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PENNSYLVANIA BULLETIN

Volume 29
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Agencies in this issue:

The Governor
The General Assembly
The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Labor and Industry
Department of Public Welfare
Department of Revenue
Department of Transportation
Environmental Quality Board
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Milk Marketing Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Education

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 299, October 1999

PENNSYLVANIA



BULLETIN

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation

September 30, 1999

Whereas, on July 20, 1999, I declared a State of Drought Emergency in fifty-five counties of the Commonwealth of Pennsylvania due to a long and continuing period of unusually dry weather, abnormally low stream flows, and reduced groundwater, which resulted in widespread shortage of water supplies throughout the Commonwealth; and

Whereas, on September 10, 1999, I amended the Drought Proclamation to include twelve additional counties in the designated drought emergency area and to declare that an agricultural drought emergency had severely impacted the Commonwealth's agricultural and farming community's ability to grow crops, feed livestock, and perform other normal agricultural functions; and

Whereas, during the past several weeks significant amounts of rainfall have fallen throughout the Commonwealth increasing stream flows, raising ground water levels, and otherwise eliminating many of the adverse impacts of the drought in all Commonwealth counties, except for Somerset County and the irreversible impact of the drought upon the Commonwealth's agricultural and farming community; and

Whereas, officials of the Department of Environmental Protection have recommended to me that the drought emergency proclamation be lifted in all counties of the Commonwealth, with the exception of Somerset County, which has a continuing need to implement mandatory water conservation measures, and the agricultural drought emergency;

Now Therefore, I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution, the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., as amended, and other laws of the Commonwealth, do hereby amend my Proclamation of July 20, 1999, as follows:

1. All counties of the Commonwealth are removed from the designated drought emergency except for Somerset County.
2. All provisions of the drought proclamation shall remain in full force and effect and shall continue to apply to Somerset County.
3. The adverse impacts of the drought on the Commonwealth's agricultural and farming community continue to exist throughout all of the counties of the Commonwealth. This continued agricultural drought emergency requires the Department of Agriculture to continue implementing a hay assistance program and other measures deemed necessary to respond to this emergency.
4. This Proclamation Amendment shall take effect immediately and shall continue to apply for ninety days from issuance.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this thirtieth day of September in the year of our Lord, one thousand nine hundred and ninety-

nine and of the Commonwealth, the
two hundred and twenty-fourth.



Governor

[Pa.B. Doc. No. 99-1707. Filed for public inspection October 8, 1999, 9:00 a.m.]

Amendment to Proclamation of Disaster Emergency

September 17, 1999

Whereas, on September 16, 1999, I declared a State of Disaster Emergency in Pennsylvania due to the heavy rains, high winds, and flash flooding caused by Tropical Storm Floyd in many parts of the Commonwealth; and

Whereas, investigations by the Pennsylvania Emergency Management Agency and other county and local emergency management officials have determined that the heavy rains, flashfloods, and high winds of Tropical Storm Floyd caused extensive damage to roads, streets and bridges, private homes, businesses, and widespread utility outages and other adverse impacts upon the general population throughout southeastern Pennsylvania; and

Whereas, the emergency situation caused by Tropical Storm Floyd is of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq.), I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, do hereby amend my Proclamation of September 16, 1999, as follows:

1. The Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia and York are now declared to be in a state of disaster emergency.
2. I hereby transfer up to \$1,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget.
3. This Proclamation amendment shall take effect immediately from the date of this amendment.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this seventeenth day of September in the year of our Lord, one thousand nine hundred and ninety-

nine and of the Commonwealth, the
two hundred and twenty-fourth.



Governor

[Pa.B. Doc. No. 99-1708. Filed for public inspection October 8, 1999, 9:00 a.m.]

Proclamation of Disaster Emergency

September 16, 1999

Whereas, ongoing investigations made at my direction have disclosed that Tropical Storm Floyd has struck Pennsylvania during the afternoon hours of September 16, 1999; and

Whereas, Tropical Storm Floyd has the potential to cause widespread and unusually heavy rains and high winds throughout Pennsylvania which in turn poses a serious threat for flash flooding and other adverse impacts throughout the region; and

Whereas, Tropical Storm Floyd's heavy rains, high winds, and potential risk of flash flooding may result in extensive damage to roads, streets, and bridges, private homes, businesses, and may cause other adverse impacts upon the general population of Pennsylvania; and

Whereas, the potential emergency situation caused by Tropical Storm Floyd is of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in Pennsylvania and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, I hereby direct the Pennsylvania Emergency Management Agency to activate and fully staff the State Emergency Operations Center for the duration of this emergency situation and to augment it with personnel from other state agencies and departments. I also authorize the Agency to coordinate and direct the emergency preparedness and response activities of other state agencies and departments as deemed necessary to deal with the exigencies of this emergency situation.

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that he deems necessary, to ensure that all state highways in the disaster emergency area are cleared of debris and any other obstructions resulting from this tropical storm. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property.

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in

whatever manner he deems necessary, to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that may sustain damage in the disaster emergency area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the ability of the Department to respond immediately and effectively in repairing, maintaining, reconstructing, or replacing any damaged highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, and areas adjacent thereto, or in undertaking necessary new construction.

Further, I have directed that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by the aforementioned emergency.

Further, all Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this sixteenth day of September in the year of our Lord, one thousand nine hundred and ninety-nine and of the Commonwealth, the two hundred and twenty-fourth.



Governor

[Pa.B. Doc. No. 99-1709. Filed for public inspection October 8, 1999, 9:00 a.m.]

THE GENERAL ASSEMBLY

Corrections for 1995 and 1998 Laws of Pennsylvania

1995 Laws of Pennsylvania

The following error has been noted as to the approval date of Act 1 of 1995 on page 3 of the 1995 Laws of Pennsylvania. The text currently reads:

APPROVED—The 22nd day of February, A.D. 1995.

The text should read:

APPROVED—The 23rd day of February, A.D. 1995.

Please note this change in your volume.

1998 Laws of Pennsylvania

The following error has been noted as to the year of Act 92 of 1998 on the first text line of page 705 of the 1998 Laws of Pennsylvania. The text currently reads:

No. 1999-92

The text should read:

No. 1998-92

The corresponding folios for pages 705 through 713 and 720 of Act 1998 should also be changed to read 1998-92.

Please note this change in your volume.

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 99-1710. Filed for public inspection October 8, 1999, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Judicial and Related Account

Order

And Now, this 8th day of September, 1999, the Order of November 9, 1978, establishing the Judicial and Related Account is hereby amended to read as follows:

The Judicial and Related Account shall be composed of the following budget accounts:

1. 0140—Main Courts
2. 0139—Law Library
3. 0147—Court Stenographers
4. 0141—Grand Jury
5. 0142—Jury Commissioners
6. 0135—Domestic Relations
7. 0151—Adult Probation
8. 0152—0153—Juvenile Probation
9. 0156—0157—Adjudicated Juvenile Private Training
10. 0330—0380—Juvenile Reimbursable Administration
11. 0331—0381—Juvenile Foster Homes
12. 0332—0382—Maintenance of Juveniles
13. 0333—0383—YDC/YFC State
14. 0321—0371—Group Home #1
15. 0323—0373—Group Home #3
16. 0325—0375—Youth Center
17. 0201—Magisterial District 07-1-01
18. 0202—Magisterial District 07-1-02
19. 0203—Magisterial District 07-1-03
20. 0204—Magisterial District 07-1-04

21. 0206—Magisterial District 07-1-06
22. 0207—Magisterial District 07-1-07
23. 0208—Magisterial District 07-1-08
24. 0209—Magisterial District 07-1-09
25. 0210—Magisterial District 07-1-10
26. 0211—Magisterial District 07-1-11
27. 0212—Magisterial District 07-2-01
28. 0213—Magisterial District 07-2-02
29. 0214—Magisterial District 07-3-01
30. 0215—Magisterial District 07-2-03
31. 0216—Magisterial District 07-2-05
32. 0217—Magisterial District 07-3-03
33. 0218—Magisterial District 07-2-07
34. 0219—Magisterial District 07-2-08
35. 0220—Supplemental Judicial Clerks
36. 2610—Capital Courts
37. 0130—Register of Wills
38. 0131—Sheriff
39. 0133—Prothonotary
40. 0134—Clerk of Courts

and such other accounts as the Court may from time to time direct.

In all other respects, Administrative Order No. 1 dated November 9, 1978, remains in full force and effect.

This Order to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

R. BARRY MCANDREWS,
President Judge

[Pa.B. Doc. No. 99-1711. Filed for public inspection October 8, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49]

[Correction]

Certification of Professional Personnel

An error occurred in a rule of the State Board of Education which appeared at 29 Pa.B. 4954, 4963 (September 25, 1999). Words were inadvertently omitted from § 49.91(b). The correct version of § 49.91(b) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subchapter C. HIGHER EDUCATION

CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

INTERN CERTIFICATES

§ 49.91. Criteria for eligibility.

* * * * *

(b) The applicant will be issued an Instructional I Certificate upon completion of the approved intern program and satisfactory achievement on the assessment of professional knowledge and practice.

[Pa.B. Doc. No. 99-1626. Filed for public inspection September 24, 1999, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

Surface and Underground Coal Mining

The Environmental Quality Board (Board) by this order amends Chapter 86 (relating to surface and underground coal mining: general). The amendments are the result of the Department of Environmental Protection's (Department) Regulatory Basics Initiative and Executive Order 1996-1, which directed the Department to revise regulations which are more stringent than Federal law, unless there is a compelling State interest; lack clarity; or which impose disproportionate costs on the regulated community.

This order was adopted by the Board at its meeting of July 20, 1999.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact David C. Hogeman, Chief, Division of Environmental Analysis and Support, Bureau of Mining and Reclamation, Rachel Carson State Office Building, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-4761, or Joseph Pizarchik, Assistant Director, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This order is available electronically through the Department's website (<http://www.dep.state.pa.us>).

C. Statutory Authority

These amendments are proposed under the authority of the following provisions of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. §§ 1396.1—1396.19a): section 4.2(a) of the SMCRA (52 P. S. § 1396.4b(a)), which provides general rulemaking authority; section 4.5 of the SMCRA (52 P. S. § 1396.4e), which provides for the designation of an area as unsuitable for all or certain types of surface mining operations; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66) (act): section 3.2(a) of the act (52 P. S. § 30.53b(a)), which authorizes the adoption of rules and regulations; section 6.1 of the act (52 P. S. § 30.56a), which provides for the designation of an area as unsuitable for all or certain types of coal refuse disposal operations; The Clean Streams Law (CSL) (35 P. S. §§ 691.1—691.1001): section 5 of the CSL (35 P. S. § 691.5), which authorizes the adoption of rules and regulations, section 315(h)—(o) of the CSL (35 P. S. § 691.315(h)—(o)), which provides for the designation of an area as unsuitable for all or certain types of surface mining operations; and sections 1920-A and 1930-A of The Administrative Code of 1929 (71 P. S. §§ 510-20 and 510-30), which authorize the adoption of regulations necessary for the Department to perform its work and which provide that it is the Board's duty to review petitions for, and to designate, areas as unsuitable for mining.

D. Background and Purpose

These amendments are the result of the Department's Regulatory Basics Initiative, which was initiated in August 1995, and Governor Ridge's Executive Order 1996-1 dated February 6, 1996. Under both of these initiatives, the Department was directed to review its existing regulations to analyze which regulations were more stringent than Federal law and regulations, lacked clarity, and imposed disproportionate costs on the regulated community. The Department solicited public input concerning its existing regulations. Comments received by the Department, and the Department's own review of its existing regulations, have identified a number of provisions which need to be revised. These are contained in this rulemaking package. Regulations that are more stringent than Federal requirements are proposed for revision, unless justified by a compelling and articulable interest of the Commonwealth or required by State law.

As a result of this review, the Department developed two alternative proposals for consideration and presented them to the Mining and Reclamation Advisory Board (MRAB) at its meeting of October 3, 1996.

The first of these alternatives, in addition to providing clarity and changing those regulations found to be more

stringent than Federal requirements, would have changed the existing Board rulemaking process to a Department decisionmaking process. The existing rulemaking process involves substantial administrative and technical effort and requires 19 to 27 months to reach a final decision. This process does not allow a final regulatory decision on a designation to be made within 12 months. This "adjudicatory" version provided for a public hearing early in the petition review process, reduced the time necessary to make a final decision on the petition by approximately 1 year and would have subjected Department decisions to review by the Environmental Hearing Board. The Department rejected this alternative because it was found to conflict with section 1930-A of The Administrative Code of 1929.

The second alternative, which is the subject of this final rulemaking, would retain the existing Board rulemaking process. Subsequent to the MRAB meeting, the Department modified this "legislative" version. Although this process does require additional time to reach a final decision, it also provides a more significant level of public participation in decisions concerning the designation of areas as unsuitable for mining, in keeping with this Administration's objective to improve public access to information and decisionmaking in the Department. Under this approach, the Department makes a final recommendation to the Board within 12 months of the receipt and acceptance of a complete petition.

Numerous changes to the regulatory language in §§ 86.1 and 86.101—86.130 provide clarity and enhance the consistency with the language used in Federal regulations. Sections 86.102(9), 86.103(e) and 86.129 are being changed because they were found to be more stringent than Federal requirements. Metric equivalences have also been incorporated where appropriate.

The proposed rulemaking amendments were adopted by the Board at its meeting of October 21, 1997, and published at 28 Pa.B. 941 (February 14, 1998), with a 60-day public comment period. The public comment period ended on April 15, 1998. There were no public hearings.

Comments on the proposed rulemaking were received from the Pennsylvania Coal Association (PCA) and from the Independent Regulatory Review Commission (IRRC). The comments and the Department's responses were discussed with the MRAB at its meeting of July 10, 1998.

In response to comments received during the official public comment period on the proposed rulemaking, a draft final rulemaking was prepared. The draft final rulemaking amendments were discussed with the MRAB at its meeting of July 10, 1998. The MRAB suggested that the Department add an exemption to § 86.102(9) (relating to areas where mining is prohibited or limited) concerning waivers to the restrictions of mining within 300 feet (91.44 meters) of an occupied dwelling. An exemption has been added to the final-form rulemaking consistent with the Federal language in 30 CFR 761.12 (relating to procedures). The MRAB also suggested changing § 86.125 (relating to procedures: hearing requirements) to read that a public hearing be held within 9 months of receipt of a petition. The SMCRA and Federal statutes and regulations, require a public hearing to be held within 10 months of receipt of a complete petition and for a decision to be made within 60 days after that. The justification for a more stringent provision must be made by a compelling public interest, an articulable interest of the Commonwealth or be required by State

law. None of these conditions is satisfied in this case and the Department has not changed this regulatory language.

After review of other related information by the Department, additional changes were made to the draft final rulemaking. On January 31, 1997, the Federal Office of Surface Mining Reclamation and Enforcement (OSM) published a proposed interpretative rulemaking on activities applicable to section 522(e) of the CSL, areas unsuitable for mining. In doing so, OSM presented its definition of "surface coal mining operation"—information that the Department had sought for over a year. Although OSM's action provided the Department with the guidance needed, it was subsequently recognized that there was an inconsistency between interpretation of the definition included in the Federal proposed rulemaking and the Department's definition of "surface mining operations" found in § 86.101. Consequently, the Department revised the definition of "surface mining operations" to eliminate the inconsistency.

An Advance Notice of Final Rulemaking (ANFR) was developed to provide for public comment on the changes made in the draft final rulemaking (§ 86.1, concerning the definition of "surface mining operations" and § 86.126, concerning Board actions) that had not been previously reviewed by the public. This notice was published at 29 Pa.B. 548 (January 30, 1999) with a 30-day public comment period and was sent to the PCA and to IRRC, who had commented on the proposed rulemaking. Sixteen comment letters were received during the comment period on the ANFR.

The draft final rulemaking and comments received on the ANFR were discussed with the MRAB at its meeting of April 22, 1999. The MRAB recommended that the amendments be adopted as final rulemaking by the Board.

E. *Summary of Comments and Responses on Proposed Rulemaking*

Comments on the proposed rulemaking were received from the PCA and from IRRC. The following is a discussion of the comments received on the proposed rulemaking.

The PCA believes decisions concerning designation of areas as unsuitable for mining should be made through an administrative adjudicatory process; the process should provide for cross-examination of expert witnesses as occurs in the Federal program; and an adjudicatory process permits the possibility of resolution within 12 months. Although the Department considered an administrative adjudicatory process, it was decided to retain the regulatory process. First, the regulatory process provides more opportunities for public input in the decisionmaking than does the adjudicatory process. Adopting the adjudicatory process would significantly reduce the opportunities for public participation in the decision process. Second, section 1930-A of The Administrative Code of 1929 provides that the Board has the authority and the duty to review areas unsuitable for mining petitions and to designate areas as unsuitable for mining.

A recommendation was made that the regulations retain a requirement for a verbatim transcript of the public hearing. The requirement for providing a verbatim transcript of the public hearing is contained in § 86.125(d) of both the proposed rulemaking and in the final-form rulemaking.

It was also recommended that metric units of measurement be deleted or that an explanation be included in the

preamble that they are a convenient reference, which impose no substantive requirements. Equivalent standard international metric system units have been inserted as a convenient reference and impose the same requirements as existing standard measurements.

Both the PCA and IRRC noted that the reference to section 4.5(h) of SMCRA in the definition of "fragile lands" is redundant. The reference to section 4.5(h) of SMCRA has been deleted from the definition of "fragile lands" in the final-form rulemaking.

The PCA suggested that § 86.102(9)(ii) be revised to provide an exception so that waivers obtained prior to the effective date of the Federal law do not need to be knowingly made. An exception to the requirement that a waiver of the right to restrict mining within 300 feet (91.44 meters) of an occupied dwelling be knowingly made if the waiver was obtained prior to August 3, 1977, has been added to § 86.102(9). This inclusion is consistent with Federal regulatory language used in 30 CFR 761.12.

It was suggested that the definition of "historic lands" in § 86.101 be revised to delete references to lands eligible for inclusion on the National Register of Historic Places in conformance with proposed revisions to § 86.102(3) and that the word "air" should be deleted from § 86.123(c)(3) in conformance with proposed revisions to the definition of "surface mining operations" in § 86.1. The proposed rulemaking language in §§ 86.102(3) and in 86.123(c)(3) is consistent with the language in Federal regulations. An informal inquiry to the Federal Office of Surface Mining Reclamation and Enforcement's OSM Field Office indicated that the suggested changes would make the Department's regulations less effective than Federal requirements. Therefore, no change has been made in the final-form rulemaking.

IRRC commented that the changes to § 86.103(2)(ii) could result in a permit being issued through inaction of a reviewing agency. The change is consistent with Federal language in 30 CFR 761.12(f)(2). This change provides that in the absence of an objection from an agency, the Department may make a decision concerning the proposed mining operation in conjunction with § 86.37(a)(5) and (6) (relating to criteria for permit approval or denial).

IRRC noted that the proposed change to § 86.125(i) which adds the phrase, "or as otherwise established by the Department" is too vague and the term "regulatory decision" used in § 86.126(b) is not defined. In addition, IRRC suggested that § 86.126(b) should differentiate the procedures used when acting on the Department's recommendation to designate or not to designate an area as unsuitable for mining. The phrase "or as otherwise established by the Department" and the term "regulatory decision" have been deleted. In addition, two paragraphs have been added to § 86.126(b), which provide the procedures the Board will use concerning designation decisions. Applicable statutory citations have been included.

IRRC also requested clarification of Federal requirements in 30 CFR 764.19(b) (relating to decision) that require a final written decision within 12 months of receipt of a complete petition. The proposed changes to § 86.125(j) provide that the Department will prepare a recommendation to the Board within 60 days of the close of the public comment period. Since the Board must still act on the Department's recommendation, there is a concern as to how the 12-month requirement will be met. The areas unsuitable for mining process is established by separate statutes that contain somewhat conflicting provisions. Federal statutes and regulations require a final

written decision by the regulatory authority within 60 days of a public hearing, or if no hearing is held, within 12 months of the receipt of a complete petition. Commonwealth statutes contain similar requirements. The Administrative Code of 1929, however, requires decisions concerning the designation of areas as unsuitable for mining to be made by the Board through the rulemaking process. Because this regulatory process requires mandatory legislative and administrative review schedules and an opportunity for additional public comment, it is not possible for the Board to issue a final written regulatory decision within 12 months. The changes will, however, provide a more timely decisionmaking process. Under this final-form rulemaking, the 12-month statutory requirement will be met when the Department submits a written recommendation to the Board within 12 months of receipt of a complete petition. The Department would also provide notification and a statement of the reasons for the recommendation to the petitioner and intervenors. If the Board decision is that an area should not be designated, the petition process would end with the publication of the Board decision. If the Board decision is that the area should be designated, the Department would submit a proposed rulemaking in accordance with the statutes and existing procedures. Although this process does require additional time to reach a final decision, it also provides a more significant level of public participation in decisions concerning designation of areas as unsuitable for mining and is consistent with the Administration's objectives to improve public access to information and decisionmaking in the Department.

IRRC requested an explanation of what procedure would occur if rather than accepting a Department recommendation, the Board requested additional information or study. If the Board determines that additional information or study is needed, the Department will be asked to provide an appropriate response. The Department routinely provides additional information in response to Board questions.

IRRC also asked that an explanation of the specific changes in the proposed rulemaking that diminish the disproportionate costs on the regulated community be identified in the Regulatory Analysis Form. An explanation has been provided in the Regulatory Analysis Form consistent with the revisions to § 86.126(b) in the final-form rulemaking. The revisions will provide a more timely decision in those cases when the Board determines that an area should not be designated as unsuitable for mining and will allow issuance of mine permits which may have been delayed because of a petition to have the area designated as unsuitable for mining.

The MRAB suggested that the Department add an exemption to § 86.102(9) to provide a waiver to the restriction on mining within 300 feet (91.44 meters) of an occupied dwelling if the waiver was obtained prior to August 3, 1997. An exemption has been added to the draft final rulemaking consistent with Federal language in 30 CFR 761.12.

The MRAB also suggested that the Department consider changing § 86.125 to read that a public hearing on a petition be held within 9 months of receipt of a petition to designate an area as unsuitable for surface mining operations. Pennsylvania SMCRA and Federal statutes and regulations require a public hearing to be held within 10 months of receipt of a complete petition and for a decision to be made within 60 days after that. The purpose of the suggested change was to provide an

additional 30 days for the Department to present a recommendation to the Board. The suggested change, if implemented, would make this provision more stringent than the Federal regulations. The justification for a more stringent provision must be made by a compelling public interest, an articulable interest of the Commonwealth or be required by State law. None of these conditions are satisfied in this case. In addition, the desired objective would still not be achieved, since there would continue to be a requirement to make a decision within 60 days of the hearing. For these reasons the Department has not changed this regulatory language.

F. *Advance Notice of Final Rulemaking*

In response to comments received during the official public comment period on the proposed rulemaking and following the Department's review of other related information, the Department prepared a draft final regulation that contains significant changes in two areas:

§ 86.101. Definitions. In the definition of "surface mining operations," the reference to activities related to underground coal mining that affect the land surface has been deleted to clarify that surface mining operations do not include any surface effects of underground mining resulting from activities that were conducted beneath the land surface.

§ 86.126. Procedures: decision. Subsection (b) has been changed to delete the term "regulatory" and add paragraphs (1) and (2) to clarify Board action on decisions.

The Department solicited comments on the draft final regulations by publication of an ANFR at 29 Pa.B. 548.

Sixteen comment letters and electronic transmissions were received during the public comment period on the ANFR.

General comments were made that many of the proposed regulatory changes weaken environmental protections. Comments received also questioned the premise that the Commonwealth's regulations should conform to Federal regulations if there is a perception that environmental standards are lowered in doing so. Several commentators supported the regulatory changes.

The proposed changes are being made under Governor Ridge's Executive Order 1996-1 dated February 6, 1996, and the Department's Regulatory Basics Initiative. In fulfilling these requirements, the Department has modified regulations to conform to the Federal requirements, except where there was a compelling and articulable interest of the Commonwealth, or the regulatory language was required by a State law, in which case the more stringent Commonwealth language was retained. Some of the proposed changes were made to improve the clarity of the regulatory language.

Comments were received that dealt with the changes in the two areas identified by the Department, as well as other changes contained in the draft final regulations. The Department has carefully reviewed these comments and has determined that changes are appropriate in two sections of the draft final regulations. They are §§ 86.1 and 86.121.

The following is a summary of comments relating to specific sections of the ANFR along with the Department's responses. Comments and responses on general issues are presented after the discussion on individual sections.

Commentators indicated that the reference to a definition in the *Code of Federal Regulations* in § 86.1 is

inappropriate and confusing because the Federal definition of "valid existing rights" (VER) is not resolved. Section 4.5 of SMCRA, section 6.1 of the act and section 315 of the CSL provide that VER is to be as defined under section 522 of the Federal Surface Mining Control and Reclamation Act of 1977 Federal SMCRA. This change will conform the Commonwealth's regulations to the statutes and will make it unnecessary for the Commonwealth to change its definition if the Federal definition is changed.

It was suggested that the existing definition in § 86.1 of a "complete application" is better than the change to "administratively complete application" because under the proposed changes an application need only "address" each requirement, instead of needing to "demonstrate compliance with applicable statutes and regulations." The Department agrees that the proposed change does not adequately clarify this issue as intended, therefore, the definition of "complete application" has been retained, and appropriate language will be considered in future rulemaking.

Several commentators said that it is premature and unsound to delete language pertaining to activities and impacts related to underground mining that affect the land surface from the definition in § 86.101 of "surface mining operations." No final Federal action has yet been taken on this issue. The definition of "surface mining operations," as proposed, is in accordance with OSM's proposed interpretive rulemaking published in the January 31, 1997, *Federal Register* (Fed. Reg., 62, No. 21, Friday, January 31, 1997) and is consistent with the 1991 opinion of the Federal Department of the Interior's Office of the Solicitor. While the Federal government's position specifically addresses "subsidence" and section 522(e), it does so through interpreting the definition of "surface coal mining operations." "Surface coal mining operations" is used both in section 522(e) and in the areas unsuitable for mining provisions and must be interpreted consistently. Therefore, the Federal government's interpretation of "surface coal mining operations" must also apply to the areas unsuitable for mining provisions.

One commentator believed that section 522(e) of the Federal SMCRA and the Federal interpretation are limited to subsidence and should not be extended to water resource impact and Areas Unsuitable for Mining petitions. The commentator also believes that the Department's changes go beyond the proposed Federal interpretation regarding subsidence and include water resources and the areas unsuitable for mining petition process. The Department believes the draft final rulemaking is consistent with Federal requirements and that it addresses the difference between the physical characteristics of mining activities conducted on the surface as opposed to underground. The Department believes that protection of water resources from underground coal mining activities can only be accomplished on a case-by-case basis through the permit review process.

It was suggested that the word "significantly" should not be added to the definition of "fragile lands" in § 86.101 because any impacts to fragile lands could be considered significant. Additionally, the last part of the existing definition, beginning with "and buffer zones adjacent to the boundaries of areas where surface mining operations are prohibited . . ." should be retained to ensure effective environmental protection. The Department believes that the addition of the term "significant" will not reduce environmental protections and the buffer zones in question will still be protected by mining prohibitions and limitations in § 86.102.

Comments were received suggesting that the existing sentence defining nonprofit organizations as local agencies in this circumstance should not be deleted from § 86.101. When a nonprofit organization has designated lands for public recreational use, those lands should be treated as public parks. The Department believes that the proposed changes will not reduce the protection for publicly owned parks.

Several commentators stated that regulatory changes in § 86.102(3) deleting the phrase "on or eligible for inclusion" to the National Register of Historic Places would limit protection only to those sites listed on the National Register. The recommended changes conform the Commonwealth's coal mining regulations to the Federal coal mining regulations in 30 CFR 761.11 (relating to areas where mining is prohibited). The impacts of proposed mining on sites eligible for listing on the National Register of Historic Places are to be addressed during the Department's permit application review process.

It was pointed out that the proposed changes to § 86.102(9) reduce the protection of individuals whose dwellings are within 300 feet of proposed operations and thus should not be adopted. The change is consistent with Federal regulations in 30 CFR 761.11(e) and makes it clear that the regulations will reflect the possession of property rights of the interested persons in accordance with the Commonwealth's property law.

Comments received noted that the proposed change from "may" to "will" in § 86.103(e) reduces the protections currently afforded to public parks and National Register places. It is not always clearly evident that mining effects "will" affect a public or historic site. Additionally, the stipulation in § 86.103(e)(2)(ii) that "failure of an agency to respond to a notification within a specified comment period constitutes an approval" is not acceptable. The Department notes that the regulatory changes provide a 30-day response time for the appropriate agency with allowance for an additional 30-day extension if requested by the agency. The Department believes that the regulatory changes provide sufficient time for the agency to respond to a notification.

It was suggested that a demonstration of an "injury in fact" test as changes to § 86.123(c)(5) propose is entirely inappropriate and should not be added to the regulations because this would shift the burden of proof onto the injured party. The Department notes that previous petitions requesting areas to be designated were accepted by the Department for study based on the petitioners' demonstration of interests that were, or could have been, adversely affected and petitions based on similar demonstrations could meet the requirement of a demonstration of "injury in fact."

It was also suggested that the proposed sentence "A frivolous petition is one in which the allegations of harm lack serious merit" in § 86.124(a)(2) is unnecessary because the existing meaning of the word "frivolous" is appropriate. The Department, during its initial review, determined the complete, incomplete or frivolous nature of petitions and the change would not materially affect the way unsuitable for mining petitions are processed. The new provision clarifies how the term will be interpreted and applied by the Department.

Several commentators stated that the agency identified in § 86.125 conducting the public fact-finding hearings on areas unsuitable for mining petitions should not be changed from the Board to the Department. The Department responds that this revision simply clarifies the

Department's responsibility for the administrative aspects of petitions. The Board will continue to have access to all information obtained from public fact-finding hearings.

One commentator asked whether the Board's final decision would bypass the proposed rulemaking stage and public participation, or if the decision on the petition will be published as a proposed rule. The Department responds that final rulemaking changes to § 86.126(b) retain the existing Board rulemaking process including proposed and final rulemaking provisions if the Board's initial decision is to designate an area unsuitable for mining. If the Board's decision is to not designate an area as unsuitable for mining, the rulemaking process will end with the publication of the decision in the *Pennsylvania Bulletin*.

It was suggested that the existing language pertaining to coal exploration in § 86.129 that affords protection to areas under study for designation, as well as designated areas, should be retained. It is unclear how coal exploration activities can be consistent with uses and values of an area designated unsuitable for mining. The Department responds that coal exploration has never been prohibited on areas designated unsuitable for mining. The Federal language in 30 CFR 762.14 (relating to exploration on land designated unsuitable for surface coal mining operations) provides for requirement of written approval and the protection of the values and uses of the area designated unsuitable for mining.

One commentator indicated that there was no preamble provided with the ANFR explaining the changes being proposed and there was no comment and response document, making it difficult to understand some of the changes made since the regulations were approved as proposed. Additionally, the 30-day public comment period was too short to allow for review. The Department responds that the purpose of the ANFR was to provide for public review of the draft final rulemaking and to obtain comment on two new issues that had not previously been considered by the public. Since the ANFR was solicited prior to development of the final-form rulemaking, a comment and response document on the proposed rulemaking was not yet available when the ANFR was released for comment. It is the Department's policy to present comments and responses for both the proposed rulemaking and the ANFR to the Board as part of the final-form rulemaking.

Comments received stated that Federal approval by the OSM is needed for all changes to the Commonwealth's coal mining regulations before they become effective. In addition, in the administration, interpretation and implementation of the State program the Department is obligated to conform to the Federal laws and regulations. The Department notes OSM requires final State action on rulemaking changes before formal review of the changes by OSM. The rulemaking will be forwarded to OSM for review and approval when the changes have been approved by the Board.

G. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of these final-form regulations.

Benefits

These amendments were proposed to reduce unnecessary requirements, provide clarity, eliminate redundant or outdated requirements or eliminate State requirements more stringent than their Federal counterparts, when there is no compelling State interest in being more stringent.

No additional costs should result from these changes. The coal mining industry, the public and State government could see savings in the form of reduced time necessary to read and interpret regulations. There could also be some savings to the coal mining industry in reducing time for decisions not to designate an area as unsuitable for mining. The principal benefit of these amendments, however, is that the revised requirements will be no more stringent than Federal law, will provide for more timely decisionmaking and will be more easily understood by the regulated community and the general public. The change will also benefit the public from involvement in the decisionmaking process and opportunity for expressing concerns.

Compliance

The changes are procedural and administrative in nature. They will impose no additional compliance costs on the regulated community. The Department conducts public information workshops for persons or organizations who may be interested in having an area designated unsuitable for mining. These workshops will be modified to describe the changes to the designation process made by these amendments.

Coal mine operators who may be affected by a request to designate an area as unsuitable for mining are identified by the Department when a petition is received and are notified of the regulatory requirements, in writing.

Costs

The amendments will impose no additional costs or paperwork requirements on the regulated community.

H. Sunset Review

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 1998, the Department submitted a copy of the proposed rulemaking to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. The comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee and Senate Environmental Resources and Energy Committee on August 23, 1999. IRRC met on September 9, 1999 and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

J. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, as required by law, and all comments were considered.

(3) These final-form regulations do not enlarge the purpose of the proposal published at 28 Pa.B. 941

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of the Preamble.

K. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 86, are amended by amending §§ 86.1, 86.101—86.103, 86.121 and 86.123—86.130 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-331. No fiscal impact; (8) recommends adoption.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5031 (September 25, 1999).)

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

§ 86.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Acts—Include the following:

(i) The Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31).

(ii) The Air Pollution Control Act (35 P. S. §§ 4001—4015).

(iii) The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

(iv) The Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66).

(v) Article XIX-A of The Administrative Code of 1929 (71 P. S. §§ 510.1—510.1081).

(vi) The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).

(vii) The Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

(viii) The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Applicant—A person who seeks to obtain a permit from the Department to conduct coal mining activities under this chapter.

Complete application—An application for a permit which contains an application form properly completed, signed and witnessed, a filing fee, proof of publication, the standard reports or forms required by the Department to process a permit and which demonstrates compliance with applicable statutes and regulations.

* * * * *

Valid existing rights—Rights which exist under the definition of “valid existing rights” in 30 CFR 761.5 (relating to areas unsuitable for mining).

* * * * *

**Subchapter D. AREAS UNSUITABLE FOR MINING
GENERAL PROVISIONS**

§ 86.101. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Fragile lands—Geographic areas containing natural, ecologic, scientific or esthetic resources that could be significantly damaged or destroyed by surface mining operations. Examples include, but are not limited to, valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, paleontological sites, National Natural Landmark sites, areas where mining may cause flooding, environmental corridors containing a concentration of ecologic and esthetic features and areas of recreational value due to high environmental quality.

Historic lands—Areas containing historic, cultural or scientific resources. Examples of historic lands include archaeological sites, properties listed on or eligible for listing on a State or National Register of Historic Places, National historic landmarks, properties having religious or cultural significance to native Americans or religious groups, and properties for which historic designation is pending.

* * * * *

Public building—A structure that is owned or leased and principally used by a government agency for public business or meetings.

Public park—An area or portion of an area dedicated or designated by a Federal, State or local agency primarily for public recreational use, whether or not the use is limited to certain times or days, including land leased, reserved or held open to the public because of that use.

* * * * *

Renewable resource lands—Areas which contribute significantly to the long-range productivity of water supply or of food or fiber products. These lands include aquifers and aquifer recharge areas.

Significant recreational, timber, economic or other values incompatible with surface mining operations—Significant values which could be damaged by, and are not capable of existing together with, surface mining operations because of the undesirable effects mining would have on those values, either on the area included in the permit application or on other affected areas which could be affected by mining. Values to be evaluated for their importance include:

* * * * *

Surface mining operations—The extraction of coal from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including, but not limited to, strip and auger mining, dredging, quarrying and leaching and surface activity connected with surface or underground coal mining, including, but not limited to, exploration, site preparation, entry, tunnel, slope, drift, shaft and borehole drilling and construction and activities related thereto, coal refuse disposal, coal processing and preparation facilities.

§ 86.102. Areas where mining is prohibited or limited.

Subject to valid existing rights as defined in § 86.1 (relating to definitions), surface mining operations except those which existed on August 3, 1977, are not permitted:

(1) On lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C.A. § 1276(a)) or study rivers or study river corridors as established in guidelines under that act and National Recreation Areas designated by act of Congress.

* * * * *

(3) Which will adversely affect a publicly-owned park or a place included on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local governmental agency with jurisdiction over the park or places.

(4) On lands within the State park system. Surface mining activities may be permitted if the Department of Conservation and Natural Resources and the Department find that significant land and water conservation benefits will result when remining of previously mined land is proposed.

(5) On lands within State forest picnic areas, State forest natural areas and State forest wild areas. Surface mining operations may be permitted on State forest lands other than picnic areas, natural areas and wild areas, if the Department of Conservation and Natural Resources and the Department find that one or more of the following apply:

* * * * *

(7) On lands within the authorized boundaries of Pennsylvania Scenic River Systems which have been legislatively designated as such under the Pennsylvania Scenic Rivers Act (32 P. S. §§ 820.21—820.29). Surface mining operations may be permitted if the Department of Conservation and Natural Resources and the Department find that significant land and water conservation benefits will result when remining of previously mined lands is proposed, and that the surface mining operation is consistent

with the Scenic Rivers System designation and will not adversely affect the values which the designation is designed to protect.

(8) Within 100 feet (30.48 meters) measured horizontally of the outside right-of-way line of a public road, except:

* * * * *

(ii) When the Department, with concurrence of the agency with jurisdiction over the road, allows the public road to be relocated or the area affected to be within 100 feet (30.48 meters) of the road, after the following:

* * * * *

(9) Within 300 feet (91.44 meters) measured horizontally from an occupied dwelling, unless one or more of the following exist:

(i) The only part of the surface mining operations which is within 300 feet (91.44 meters) of the dwelling is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling.

(ii) The owner thereof has provided a written waiver by lease, deed or other conveyance clarifying that the owner and signatory had the legal right to deny surface mining operations and knowingly waived that right and consented to surface mining operations closer than 300 feet (91.44 meters) of the dwelling as specified.

(A) A valid waiver shall remain in effect against subsequent owners who had actual or constructive knowledge of the existing waiver at the time of purchase.

(B) Subsequent owners shall be deemed to have constructive knowledge if the waiver has been properly filed in public property records or if the surface mining operations have proceeded to within the 300 foot (91.44 meters) limit prior to the date of purchase.

(iii) A new waiver is not required if the applicant for a permit had obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within 300 feet (91.44 meters) of the dwelling.

(10) Within 300 feet (91.44 meters) measured horizontally of a public building, school, church, community or institutional building or public park.

(11) Within 100 feet (30.48 meters) measured horizontally of a cemetery. Cemeteries may be relocated under the act of April 18, 1877 (P. L. 54, No. 54) (9 P. S. §§ 41—52)).

(12) Within 100 feet (30.48 meters) measured horizontally of the bank of a perennial or intermittent stream. The Department may grant a variance from this distance requirement if the operator demonstrates beyond a reasonable doubt that there will be no adverse hydrologic impacts, water quality impacts or other environmental resources impacts as a result of the variance. The variance will be issued as a written order specifying the methods and techniques that shall be employed to prevent adverse impacts. Prior to granting a variance, the operator is required to give public notice of application thereof in two newspapers of general circulation in the area once a week for 2 successive weeks. If a person files an exception to the proposed variance within 20 days of the last publication thereof, the Department will conduct a public hearing with respect thereto. The Department will also consider information or comments submitted by the Fish and Boat Commission prior to taking action on a variance request.

§ 86.103. Procedures.

(a) Upon receipt of a complete permit application for surface mining operations, the Department will review the application to determine whether the surface mining operations are limited or prohibited under § 86.102 (relating to areas where mining is prohibited or limited) on the lands which would be disturbed by the proposed operation.

(b) If the proposed surface mining operations would include Federal lands within the boundaries of a National forest, and the applicant seeks a determination that mining is permissible under § 86.102(2), the applicant shall submit a permit application to the Regional Director of the Office of Surface Mining Reclamation and Enforcement and the Department for processing under 30 CFR Chapter 7, Subchapter D (relating to Federal lands program). Approval from the Director is required before a permit may be issued by the Department.

(c) If the proposed surface mining operations are to be conducted within 100 feet (30.48 meters) measured horizontally of the outside right-of-way line of a public road—except where mine access road or haulage roads join the right-of-way line—or if the applicant proposes to relocate a public road, the Department will:

(1) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road.

(2) Provide notice in a newspaper of general circulation in the affected locale of a public hearing, if one has been requested, at least 2 weeks before the hearing.

(3) Insure that an opportunity for a public hearing has been afforded in the locality of the proposed surface mining operations, at which members of the public may participate, for the purpose of determining whether the interests of the public and affected landowners will be protected.

(4) Review the information received at the public hearing, if one has been held, and the findings of applicable State and local agencies as to whether the interests of the public and affected landowners will be protected from the proposed surface mining operations.

(d) When the proposed surface mining operations would be conducted within 300 feet (91.44 meters) measured horizontally of any occupied dwelling, the applicant shall submit with the application a written waiver as specified in § 86.102(9).

(e) When the proposed surface mining operations will adversely affect a publicly owned park or a place included on the National Register of Historic Places, the Department will transmit to the Federal, State or local agencies with jurisdiction over, or a statutory or regulatory responsibility for, the park or place, a copy of the completed permit application containing the following:

(1) A request for that agency's approval or disapproval of the surface mining operations.

(2) A notice to the appropriate agency that it shall respond within 30 days from receipt of the request.

(i) Upon request by the appropriate agency, a 30-day extension may be granted.

(ii) Failure to object within the comment period constitutes an approval of the proposed permit by that agency.

(f) If the Department determines that the proposed surface mining operations are not prohibited under § 86.102, it may nevertheless, pursuant to appropriate

petitions, designate the lands as unsuitable for all or certain types of surface mining operations under §§ 86.121—86.129.

CRITERIA AND PROCEDURES FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE MINING

§ 86.121. Areas exempt from designation as unsuitable for surface mining operations.

This section and §§ 86.122—86.129 do not apply to areas on which:

(1) Surface mining operations were being conducted on August 3, 1977.

(2) Surface mining operations have been authorized by a valid permit issued under The Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66), The Clean Streams Law (35 P. S. §§ 691.1—691.1001) or The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).

(3) A person establishes that substantial legal and financial commitments in surface mining operations were in existence prior to January 4, 1977.

§ 86.123. Procedures: petitions.

* * * * *

(c) The petitioner shall provide the following information on forms developed by the Department:

* * * * *

(5) Identification of the petitioner's interest which is or may be adversely affected. A person having an interest which is or may be adversely affected shall demonstrate an "injury in fact" by describing the injury to the specific affected interest and demonstrating how they are among the injured.

* * * * *

§ 86.124. Procedures: initial processing, record-keeping and notification requirements.

(a) Within 30 days of receipt of a petition, the Department will notify the petitioner by certified mail whether or not the petition is complete as required by § 86.123 (relating to procedures: petitions). If the 30-day requirement of this subsection cannot be met due to the staff limitations of the Department, the Department may process the petitions in accordance with the priority system authorized by subsection (b)(2). Within this 30-day period, the Department will also notify an applicant with pending surface mining operation permit applications in the area covered by the petition.

* * * * *

(2) The Department may reject petitions for designations or terminations of designations which are frivolous. A frivolous petition is one in which the allegations of harm lack serious merit. Once the requirements of § 86.123 are met, each accepted petition will be considered and acted upon by the Department under the procedures of this part.

* * * * *

(c) Until 3 days before the Department holds a hearing under § 86.125 (relating to procedures: hearing requirements), a person may become an intervenor in the proceeding by filing allegations of facts describing how the designation determination directly affects the intervenor, supporting evidence, a short statement identifying

the petition to which the allegations pertain, a request for intervenor status and the name, address and telephone number.

(d) Beginning immediately after a complete petition is filed, the Department will compile and maintain a record consisting of documents relating to the petition filed with or prepared by the Department. The Department will make the record available for public inspection free of charge, and copying at reasonable cost, during normal business hours at the Department's district mining office in the county or multicounty area in which the land petitioned is located, and at the main office of the Department.

* * * * *

(f) The Department will prepare a recommendation on each complete petition received under this section and submit it to the EQB within 12 months of receipt of the complete petition.

§ 86.125. Procedures: hearing requirements.

(a) Within 10 months of the receipt of a complete petition, the Department will hold a public hearing in the locality of the area covered by the petition. If all petitioners and intervenors agree, the hearing need not be held.

(b) The hearing shall be legislative and fact-finding in nature, without cross examination of witnesses.

(c) No person will bear the burden of proof or persuasion.

(d) A verbatim transcript of the hearing will be made and included in the public record.

(e) The Department will give notice of the date, time and location of the hearing by first class mail postmarked not less than 30 days before this scheduled hearing to:

(1) Local, State and Federal agencies which may have an interest in the decision on the petition.

(2) Persons known to the Department to have an ownership or other interest in the area covered by the petition.

(f) The Department will give notice of the date, time and location of the hearing by certified mail postmarked not less than 30 days before the scheduled hearing to the petitioner and to the intervenors.

(g) The Department will notify the general public of the date, time and location of the hearing by placing a newspaper advertisement once a week for 2 consecutive weeks in the locale of the area covered by the petition and once during the week prior to the scheduled date of the public hearing. The consecutive weekly advertisement will begin between 4 and 5 weeks before the scheduled date of the public hearing.

(h) The Department may consolidate in a single hearing the hearings required for each of several petitions which relate to areas in the same locale.

(i) Written comments on the petition will be received and considered 15 days after the conclusion of the public hearing. If a hearing will not be held on a petition, the comments may be received and considered for 45 days following publication of a notice that there will be no public hearing.

(j) Within 60 days of the close of the public comment period, the Department will prepare a recommendation to the EQB, including a statement of the reasons for the recommendation and provide written notice of its recommendation to the petitioner and intervenors.

(k) If all petitioners and intervenors so stipulate, the petition may be withdrawn from consideration prior to the hearing.

§ 86.126. Procedures: decision.

(a) In deciding whether to designate an area as unsuitable for surface mining operations, the EQB will consider:

(1) The information contained in the database and inventory system.

(2) Information provided by other governmental agencies.

(3) The detailed statement prepared under § 86.124(e) (relating to procedures: initial processing, recordkeeping and notification requirements).

(4) Oral and written testimony received during and written testimony received subsequent to public hearing.

(5) The recommendations of the Department.

(b) The EQB will promptly send the decision by certified mail to the petitioner, intervenors and to the Office of Surface Mining Reclamation and Enforcement.

(1) If the decision is to designate an area as unsuitable for surface mining operations, the EQB will deposit and publish its decision as a regulation in the manner required by the Regulatory Review Act (71 P. S. §§ 745.1—745.15); the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1102, 1201—1208 and 1602) known as the Commonwealth Documents Law and 45 Pa.C.S. Part I (relating to publication and effectiveness of Commonwealth documents).

(2) If the decision is not to designate an area as unsuitable for surface mining operations, the EQB will publish its decision in the *Pennsylvania Bulletin* within 30 days.

§ 86.127. Database and inventory system requirements.

(a) The Department will expeditiously develop a database and inventory system which will permit evaluation of whether reclamation is feasible in areas covered by petitions.

(b) The Department will include in the system information relevant to the criteria in § 86.122 (relating to criteria for designating lands as unsuitable), including, but not limited to, information received from the United States Fish and Wildlife Service, the State Historic Preservation Office, the Fish and Boat Commission, the Department of Conservation and Natural Resources' Scenic Rivers Program, the Game Commission, private conservancies and the agency administering section 127 of the Clean Air Act (42 U.S.C.A. § 7470).

(c) The Department will review and update the database and inventory system as information becomes available:

(1) On potential mineral resources of this Commonwealth, demand of the resources, the environment, the economy and the supply of minerals sufficient to enable the Department to prepare the statements required by § 86.124(e) (relating to procedures: initial processing, recordkeeping and notification requirements).

(2) From petitions, publications, experiments, permit applications, mining and reclamation operations and other sources.

§ 86.128. Public information.

The Department will:

(1) Make the information and database system developed under § 86.127 (relating to database and inventory system requirements) available to the public for inspection free of charge and for copying at reasonable cost during established office hours.

(2) Provide information to the public on the petition procedures necessary to have an area designated as unsuitable for all or certain types of surface mining operations or to have designations terminated and describe how the inventory and database system can be used.

(3) Maintain a map of areas designated as unsuitable for all or certain types of surface mining operations.

(4) Make available to persons information within its control regarding designation or terminations, including mineral or elemental content which is potentially toxic in the environment. Other information which is properly classified as proprietary or confidential will be protected by the Department as may be required by law.

§ 86.129. Coal exploration on areas designated as unsuitable for surface mining operations.

(a) Designation of an area as unsuitable for all or certain types of surface mining operations under this chapter does not prohibit coal exploration operations in the area.

(b) Coal exploration may be conducted on an area designated as unsuitable for surface mining operations in accordance with this chapter if the following apply:

(1) The exploration is consistent with the designation.

(2) The exploration will be conducted to preserve and protect the applicable values and uses of the area under Subchapter E (relating to coal exploration) and the Department has issued written approval for the exploration.

§ 86.130. Areas designated as unsuitable for mining.

* * * * *

(b) The following is a list of descriptions of areas which are unsuitable for all or certain types of surface mining operations and where all or certain types of surface mining operations will not be permitted:

(1) The tract of approximately 233 acres (approximately 94.29 hectares) in Blacklick Township, Cambria County, described as follows:

Beginning at the northwest corner of the land owned by the Griffithtown Water Association and proceeding to the southwest corner, then easterly towards the southeast corner of the property and continuing in the same easterly direction to a point located 100 feet (30.48 meters) horizontal distance west of the Lower Freeport outcrop; then continuing in a southerly direction, remaining 100 feet (30.48 meters) from and paralleling the Lower Freeport outcrop as the outcrop proceeds easterly to intersect the 2,040 foot (621.79 meter) elevation contour; then along a straight line extending in a northeasterly direction intersecting the 2,282-foot (695.55 meter) elevation point and continuing to US 422; then west along US 422 to an intersection formed by a road, driveway or farmlane approaching US 422 from the north and located approximately 1.86 miles east (approximately 2.99 kilometers) of the junction of US 422 and Pa. Route 271 in Belsano; then continuing southwesterly in a straight line to the northwest corner of the Griffithtown Water Association property.

(2) The surface area overlying surface mineable coal reserves in a tract of approximately 11,200 acres (approximately 4,532 hectares) in Rush Township, Centre County, which tract is described as follows:

The surface water drainage basin of Cold Stream upstream from the mouth of Tomtit Run, including the surface water drainage basins of all tributaries to Cold Stream upstream from and including Tomtit Run except for the surface water drainage of a tributary known locally as Big Spring Run that enters Cold Stream from the west approximately 500 feet (approximately 152.4 meters) upstream from the Stony Point Road (Township Road 600) bridge over Cold Stream.

(3) The tract of approximately 119 acres (approximately 48.16 hectares) in Logan Township, Blair County and Gallitzin Township, Cambria County within the Mill Run watershed, that is underlain by surface mineable coal reserves, and that has not been previously disturbed by surface or deep mining. The tract is more particularly described as follows:

Beginning at the summit of a hill in the northwest corner of the Mill Run-Little Laurel Run watershed divide, southwest of the village of Buckhorn on or near the Cambria-Blair County line, and being at the eastern edge of the previously surface mined area; then along the watershed divide in a northeasterly direction for a distance of approximately 2,500 feet (approximately 762 meters) to the point of intersection of the watershed divide with the Mercer coal seam outcrop; then proceeding in a southeasterly and southerly direction along the Mercer coal outcrop, and running roughly parallel to and 100 to 200 feet (30.48 to 60.96 meters) easterly of the old Loudon deep mine railroad grade, for a distance of approximately 5,500 feet (approximately 1.68 kilometers) to the northern terminus of the Loudon deep mine, then proceeding westerly and northwesterly along the edge of the Loudon deep mine, exclusive of an approximately 2-acre (approximately 0.81 hectares) ungraded surface mine, to its intersection with the toe of spoil of the previously surface mined area; then in a northwesterly direction along the spoil banks remaining from previous surface mining activity a distance of approximately 3,800 feet (approximately 1.16 kilometers) to the summit of the hill, being the place of beginning.

(4) The surface mineable coal reserves in a tract of approximately 5,600 acres (approximately 2,266.32 hectares) in Rush, Centre County, which tract is the surface water drainage basin of Black Bear Run.

* * * * *

(9) The tract of approximately 525 acres (approximately 212.46 hectares) in Elder Township, Cambria County, described as follows:

Beginning at the northern edge of a raw water storage tank located approximately 2,000 feet (approximately 609.60 meters) south of Township Route 551 and 2,150 feet (655.32 meters) west of State Route 36; then proceeding in a northeasterly direction, intersecting the Borough of Hastings Water Authority access road at a point approximately 1,450 feet (approximately 441.96 meters) from the access road's junction with Township Route 551; then continuing due north, intersecting Township Route 551 at a property, fence or tree line located approximately 1,250 feet (approximately 381 meters) west of the junction of Township Route 551 and State Route 36;

then north along the property, fence or tree line to a point located on Legislative Route 221 approximately 1,100 feet (approximately 335.28 meters) west of State Route 36 in St. Boniface; then continuing in a southeasterly direction to the junction of State Route 36 and Legislative Route 11056; then along Legislative Route 11056 to a point approximately 1,300 feet (approximately 396.24 meters) east of State Route 36; then continuing south along a property, fence or tree line to another property, fence or tree line that is approximately 475 feet (approximately 144.78 meters) south of Legislative Route 11056; then 575 feet (175.26 meters) due west along this property, fence or tree line to a point located approximately 350 feet (approximately 106.68 meters) east of State Route 36; then due south to meet State Route 36 at its junction with a private road, driveway or farm lane approaching State Route 36 from the east, located approximately 950 feet (approximately 289.56 meters) south of the junction of Township Route 551 and State Route 36; then south along State Route 36 for approximately 900 feet (approximately 274.32 meters) to a tree, fence or property line; then along the line, intersecting the Laurel Hill anticline axis at a point approximately 1,575 feet (approximately 480.06 meters) due east of State Route 36; then south along the anticlinal axis (which trends approximately N 40° E) intersecting State Route 36 approximately 625 feet (approximately 190.5 meters) north of the junction of Legislative Routes 221 and 11077 and intersecting Legislative Route 11076 approximately 600 feet (approximately 182.88 meters) north of its junction with Legislative Routes 221 and 11067 for 6,800 feet (2,072.64 meters) to a point approximating the edge of an Upper Kittanning underground coal mine complex known as the Pardee No. 29; then continuing in the same southwesterly direction to a point located 200 feet (60.96 meters) horizontal distance southwest of the Pardee No. 29 Mine complex; then proceeding in a northerly direction remaining 200 feet (60.96 meters) from and paralleling the edge of the Pardee No. 29 Mine complex for approximately 4,250 feet (approximately 1,295.4 meters) to a point that is approximately 200 feet (approximately 61.96 meters) horizontal distance west of the Upper Kittanning coal outcrop (intersecting an unnamed tributary to a farm pond located approximately 3,300 feet (approximately 1,005.84 meters) due south of Township Route 551 and 3,300 feet (1,005.84 meters) due west of State Route 36); then continuing north, remaining 200 feet (60.96 meters) from and parallel to the coal outcrop to a property, fence or tree line located approximately 1,820 feet (approximately 554.74 meters) south of Township Route 551; then due east along the line to the northwest corner of the land owned by the Borough of Hastings; then returning to the point of origin.

(10) The tract of 527 acres (213.28 hectares) of surface mineable coal reserves in the southern surface water drainage basin of North Fork Tangascotack Creek watershed. The 527 acres (213.28 hectares) encompass the Mercer coal crop line to the southern watershed divide of the North Fork Tangascotack Creek watershed, which tract is located in Bald Eagle, Grugan and Beech Creek Townships, Clinton County.

* * * * *

(12) The surface mineable coal reserves in the surface water drainage basins of Rankin Hollow Run and the East Fork Brewster Hollow Run, tributaries of Sixmile

Run, upstream of the water supplies for the Coaldale Borough-Six Mile Run Area Water Corporation. The two tracts, totaling approximately 525 acres (approximately 212.47 hectares), are located in Broad Top Township, Bedford County.

(13) The surface mineable coal reserves of the Lower Kittanning, Clarion and Mercer coals in the surface water drainage basin of Bells Gap Run, which tract is located in Antis and Logan Townships, Blair County and Dean and Reade Townships, Cambria County; except that the surface mineable coal reserves of the three designated seams are not designated unsuitable for surface mining operations in the following areas:

(i) A tract of approximately 41 acres (approximately 16.59 hectares) of abandoned mine lands located northwest of the town of Highland Fling, said tract being described as follows:

Beginning at the point where Township Route 502 intersects the surface water drainage divide between Tubb Run and Brubaker Run approximately 750 feet (approximately 228.6 meters) northwest of the intersection of Township Route 502 and State Route 1016; then proceeding due east, to a point on State Route 1016 approximately 475 feet (approximately 144.78 meters) north-northeast of the intersection of State Route 1016 and Township Route 502; then continuing to a point approximately 2,250 feet (approximately 685.8 meters) north along State Route 1016; then due west to a point on the surface water drainage divide between Tubb Run and Brubaker Run approximately 2,800 feet (approximately 853.44 meters) north-northwest of the intersection of Township Route 502 and State Route 1016; then in a southerly direction along the said surface water drainage divide to the point of origin.

(ii) The permit areas of Cambria Coal Company SMP #11783035, Cambria Coal Company SMP #11823006, Swistock Associates Coal Corp. MDP #4278BC10, E. P. Bender Coal Co. SMP #11793025, and Benjamin Coal Company MDP #4278SM2, in accordance with § 86.121 (relating to areas exempt from designation as unsuitable for surface mining operations).

(14) The surface mineable coal reserves within the Goss Run watershed upstream of the Brisbin Dam, including a small tract of land within the watershed of the West Tributary to Goss Run, a total of approximately 555 acres (approximately 224.61 hectares), are designated unsuitable for all types of surface mining operations. This includes a land area beginning at the breast of the Brisbin Dam, thence due southwest to Pa. Route 153, thence north along the centerline of Pa. Route 153 to the intersection of Pa. Route 153 with township route T-657, thence north along the watershed divide between the Brisbin Dam drainage and the West Tributary drainage to a point at the intersection of the Goss Run and Little Beaver Run watershed divide, thence southwest along the Goss Run and Little Beaver Run watershed divide to a point at the intersection of the Brisbin Dam drainage divide, thence southwest along the Brisbin Dam drainage divide to the point of beginning; except that the surface mineable coal reserves are not designated unsuitable for surface mining operations in the following areas:

The permit areas of the James I. Cowfer Contracting, Inc. SMP 17663037 and James I. Cowfer Contracting, Inc. SMP 17820152, in accordance with § 86.121.

* * * * *

(17) All types of surface mining operations within a tract of 450 acres (182.12 hectares) located in Slippery Rock and Wayne Townships, Lawrence County described as follows:

Beginning at the intersection of Township Road T-347 and Township Road 5-472; then in a northerly direction following Township Road T-472 for a distance of approximately 4,800 feet (approximately 1,643.04 meters) to the Wayne Township and Slippery Rock Township boundary line; then in a westerly direction following the township line for a distance of approximately 800 feet (approximately 243.84 meters) to the southwest corner of a land parcel owned, or formerly owned, by Edris Ann Thalgott; then in a northerly direction following the Edris Ann Thalgott property line for a distance of approximately 2,050 feet (approximately 624.84 meters) to the southwest corner of a land parcel owned, or formerly owned, by Lois Mackey; then following the Lois Mackey property line in a northerly direction for a distance of approximately 950 feet (approximately 289.56 meters) to the intersection of the Lois Mackey property line with State Road SR2024; then in an easterly direction following State Road SR 2024 for a distance of approximately 2,100 feet (approximately 640.08 meters) to the intersection with the southwest corner of a land parcel owned, or formerly owned, by Dale Mackey; then in a northerly direction following the Dale Mackey property line for a distance of approximately 1,650 feet (approximately 502.92 meters) to the northwest corner of the Dale Mackey property; then in an easterly direction following the Dale Mackey property line for a distance of approximately 600 feet (approximately 182.88 meters) to the northeast corner of the Dale Mackey property; then following the Dale Mackey property line in a southerly direction for a distance of approximately 1,250 feet (approximately 381.00 meters) to the Dale Mackey property line intersection with the northeast corner of a land parcel owned, or formerly owned, by Richard E. Michaels; then following the Richard E. Michaels property line in a southerly direction for a distance of approximately 250 feet (approximately 76.20 meters) to the Richard E. Michaels property line intersection with State Road SR 2024; then following Township Road T-478 in a southerly direction for a distance of approximately 7,200 feet (approximately 2,194.56 meters) to the intersection of Township Road T-478 with Township Road T-347; then in a westerly direction following Township Road T-347 for a distance of approximately 2,000 feet (approximately 609.60 meters) to the point of origin.

[Pa.B. Doc. No. 99-1712. Filed for public inspection October 8, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 3, 5, 7, 9, 11 AND 13]

Licensees and Vendors

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)) proposes to amend §§ 3.31, 3.33, 3.63, 3.73, 5.16, 5.31, 7.1, 7.5, 7.6, 7.22, 7.23, 7.41, 9.12, 9.91, 11.1, 11.2, 11.3, 11.91, 11.92, 11.201, 11.203, 11.204, 11.205, 13.43, 13.71, 13.72, 13.73, 13.74, 13.75, 13.77, 13.78, 13.79, 13.81, 13.86, 13.87, 13.102 and to add §§ 7.8 and 7.9.

Purpose

In accordance with Executive Order 1996-1, the Board has reviewed its regulations and determined that the following revisions are necessary to eliminate agent registration, clarify club managers' right to outside employment, eliminate a regulation that contradicts the Liquor Code, eliminate references to surety bonds, standardize the size of floor plans and site plans submitted by applicants for a new license, extension of license, or transfer of location of an existing license, correct erroneous cites, eliminate a regulation implementing a statute struck down by a Federal court, permit the sale of grain alcohol for nonpotable use upon filing an application with the Board, eliminate inaccurate references to cost limits on interior displays in retail establishments and permit an open bar with a meal package for registered guests of hotels on December 31, 1999.

Summary of Amendments

Chapter 3, §§ 3.31, 3.33, 3.63, 3.73, Chapter 11, §§ 11.91, 11.92, and Chapter 13, §§ 13.71, 13.72, 13.73, 13.74, 13.75, 13.77, 13.78, 13.79, 13.81, 13.86, 13.87 eliminate the registration requirement for promotional/sales agents.

Chapter 5, § 5.16 clarifies the Board's position that club managers or stewards are not precluded from holding employment outside their duties as club managers or stewards. Section 5.31(d)(1) is being deleted because it repeats that which is already contained in section 493(10) of the Liquor Code, and (d)(2) is being deleted because it contradicts section 493(10) of the Liquor Code (47 P. S. § 4-493(10)).

Chapter 7, §§ 7.1, 7.5, 7.6, 7.22, 7.41, Chapter 9, § 9.12, and Chapter 13, § 13.71 eliminate references to surety bonds in accordance with Act 155 of 1998. Section 7.8 is being added to Chapter 7 requiring that floor plans of proposed licensed areas be submitted on paper in 8 1/2 by 11-inch format. Section 7.9 is being added to facilitate a determination as to the location of licensed areas in a site plan on paper in an 8 1/2 by 11-inch format. The site plan would aid in determining proximity to restrictive institutions such as churches and schools, as well as proximity to other licensed establishments. Chapter 9, § 9.91 corrects erroneous cites to the Malt Beverage Tax Law. Chapter 11, §§ 11.1, 11.201, 11.203, 11.204, 11.205 eliminate the implementation of the manner in which wholesale prices of malt or brewed beverages would be changed in compliance with a Federal court ruling that found a portion of the Liquor Code violates the Sherman Antitrust Act (15 U.S.C.A. §§ 1-7). Chapter 11, § 11.2 is being deleted since it merely references § 11.4 and § 11.3 provides for the sale of grain alcohol to individuals or entities who, by application to the Board, swear or affirm

that such alcohol will be for nonpotable use. Chapter 13, § 13.43 eliminates inaccurate references to cost limits on interior displays. Chapter 13, § 102 permits hotels to serve an unlimited or indefinite amount of alcoholic beverages as part of a meal package on December 31, 1999, to registered overnight guests of their hotels.

Affected Parties

These proposed amendments would affect vendors' agents by eliminating the need for agent registration and the issuance of identification cards. Persons or entities desiring to purchase grain alcohol for purposes other than human consumption could do so. Applicants for a new license, extension of license or the transfer of location of an existing license would be required to submit floor plans and site plans in a standard size depicting the proposed licensed areas. Retail licensees would be permitted to display point-of-sale advertising material to a value determined by the Board under the Liquor Code and without a regulatory amendment. The requirement for serial or model numbers on these displays is not adhered to and will be deleted. Hotel licensees would be permitted to offer an open bar with a meal package on New Year's Eve, 1999, to their registered overnight guests. The remaining changes to the regulations serve to clarify, correct and bring the regulations into compliance with the Liquor Code and a Federal Court ruling.

Paperwork Requirements

The proposed amendments will not increase paperwork for the Board or the regulated community. Eliminating the registration of sales agents and issuance of identification cards with photographs will eliminate paperwork for the Board as well as the sales agents. Licensees must presently submit plans when applying for a new license, extension of license or a change in the location of an existing license. No additional paperwork will be required as a result of standardizing the size of these plans. Site plans are not presently required but are usually submitted when a structure is not fully constructed to determine the location of the licensed areas as they relate to proximity issues.

Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the regulated community, the Commonwealth or local governments.

Effective Date/Sunset Date

These proposed amendments will become effective upon publication as final-form regulations in the *Pennsylvania Bulletin*. No sunset date has been assigned.

Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed amendments in the *Pennsylvania Bulletin*. Comments should be addressed to Jerry Danyluk, Regulatory Coordinator, Liquor Control Board, Room 513, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the proposed rulemaking on September 17, 1999, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Liquor

Control and the Senate Committee on Law and Justice. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Board, the Governor and the General Assembly prior to final publication of the regulations.

JOHN E. JONES, III,
Chairperson

Fiscal Note: 54-55. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 3. LICENSE APPLICATIONS

Subchapter D. PHOTOGRAPHS AND CRIMINAL HISTORY RECORD INFORMATION CHECKS

PHOTOGRAPHS

§ 3.31. Personal photographs.

(a) A photograph shall be furnished to the Board's representative by the following:

* * * * *

[(3) Applicants for registration as promotional/sales agents. (Two photographs are required.)]

* * * * *

§ 3.33. [Renewal of photographs] (Reserved).

[Personal photographs of registered agents shall be renewed every year. New photographs, as required in § 3.31 (relating to personal photographs), shall be filed with each application for renewal of the registration of agents.]

Subchapter G. LIMITED WINERY LICENSES

§ 3.63. Agents

[(a) *Registration.* It is unlawful for a] A limited winery licensee [to] may employ individuals to solicit orders, off the licensed premises, for wine produced by it or to promote the sale of the wines off the premises[, unless each individual has been registered with the Board in accordance with this subsection. Every application for registration shall be made upon forms provided by the Board and shall set forth the name and address of the limited winery licensee and the name and home address of the agent and additional information required. The form shall be filed by both the limited winery licensee and the agent employed. Two photographs of the agent, exactly 1 1/2-inch square in size, taken within 30 days, shall also be submitted. Every application shall be accompanied by \$65 for each agent to be registered. A retail licensee or his agents, servants or employes may not be registered as an agent under the terms of this section. The Board may refuse to register an agent.

(b) *Identification cards.* Upon approval of the Board of an application for registration of an agent by a licensee, there will be issued to the authorized agent an identification card containing the name and address of the licensee and the name and address and physical description of the agent. There will be affixed to the identification card a photograph of the agent. An identification card is not valid until signed by the agent and countersigned by a representative of the Board.

(c) *Privileges.*] Agents [properly registered by a limited winery licensee and holding identification cards] may advertise and promote the sale of merchandise by "missionary work" of only brands sold by the limited winery licensee by whom the agents are registered and may solicit orders from licensees and make deliveries in properly registered vehicles.

Subchapter H. LICENSED DISTILLERIES OF HISTORICAL SIGNIFICANCE

§ 3.73. Agents.

[(a) *Registration.* It is unlawful for a licensed distillery of historical significance to employ individuals to solicit orders for liquor produced by it or to promote the sale of the liquors unless each individual has been registered with the Board in accordance with this subsection. Application for registration shall be made upon forms provided by the Board and shall set forth the name and address of the licensed distillery of historical significance and the name and home address of the agent and additional information required. The form shall be filed by both the licensed distillery of historical significance and the agent employed. Two photographs of the agent, exactly 1 1/2-inch square in size, taken within 30 days, shall also be submitted. Every application shall be accompanied by \$65 for each agent to be registered. A retail licensee or his agents, servants or employes may not be registered as an agent under the terms of this subsection. The Board may refuse to register an agent.

(b) *Identification cards.* Upon approval of the Board of an application for registration of an agent by a licensee, there will be issued to the authorized agent an identification card containing the name and address of the licensee and the name and address and physical description of the agent. There will be affixed to the identification card a photograph of the agent. An identification card is not valid until signed by the agent and countersigned by a representative of the Board.

(c) *Privileges.*] Agents [properly registered by a licensed distillery of historical significance and holding identification cards] may advertise and promote the sale of merchandise of brands sold by the licensed distillery of historical significance by whom the agents are [registered] employed.

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter B. EMPLOYEES OF LICENSEES

EMPLOYMENT OF MINORS

§ 5.16. Appointment of managers.

* * * * *

(d) A club manager or steward may be engaged in employment outside his duties as manager or stew-

ard except as provided in section 493(11) of the Liquor Code (47 P. S. § 4-493(11)).

Subchapter C. AMUSEMENT AND ENTERTAINMENT

§ 5.31. Amusement permit.

* * * * *

[(d) Hours for amusement.

(1) A licensee holding an amusement permit may permit dancing, theatricals, floor shows and motion pictures in the licensed establishment only during the hours when the sale of liquor or malt or brewed beverages is permitted.

(2) Paragraph (1) does not apply to a licensee or licensed establishment located in a municipality which has, by ordinance, resolution or other appropriate action in accordance with law, fixed the hours for the amusement in licensed establishments. The hours so fixed are controlling when certified copies of the ordinance, resolution or other appropriate action in accordance with law, are filed by the municipality with the Board.]

CHAPTER 7. TRANSFER, EXTENSION, SURRENDER AND EXCHANGE OF LICENSES

Subchapter A. TRANSFER OF LICENSES

§ 7.1. Filing of applications for transfer.

Licenses issued by the Board, under Article IV of the Liquor Code (47 P. S. §§ 4-401—4-498), may be transferred in accordance with this subchapter. Applications for transfer of licenses may be filed at any time, but when filed within 30 days of the expiration date of the license term, the transfer [shall apply] applies to the renewal license only, except in the case of death. Applications for transfer shall be made on the regular transfer form, which shall be accompanied by the application for license [, proper bond] and remittance of proper fees in accordance with the applicable provisions of section 614-A of The Administrative Code of 1929 (71 P. S. § 240.14A).

§ 7.5. Transfers on death of the licensee.

On the death of the licensee, the license may be transferred immediately to the surviving spouse or to the administrator or executor of the estate of the licensee, upon presentation of the transfer form, application, bond transfer or filing fee, and short form certificate from the registrar of wills. If it is desired to transfer the license to a person designated by and acting for the administrator or executor, the transfer form application [and the bond] and fee [or both], with written evidence of the designation, shall be submitted by the administrator or executor. The Board will be notified in writing within 30 days of the death of a licensee.

§ 7.6. Transfer of partnership licenses.

If one or more partners voluntarily retire, an application for correction of license shall be executed and filed by all the partners, including the retiring partner. In the case of death of a partner, the application for correction of license shall be executed and filed by the surviving partners, and by the administrator or executor of the estate of the deceased partner, if any, and be accompanied by a short form certificate from the Registrar of Wills. If there is no administrator or executor, the application for correction of license shall be executed and filed by the surviving partners together with documentary evidence of the death of the deceased partner. These requirements

also apply if the license is held jointly by husband and wife. [Applications for correction of license shall be accompanied by an approved bond rider executed by the applicant and the surety company on the current license bond.] Applications for correction of a license under this section shall be accompanied by the proper fee in accordance with the applicable provisions of section 614-A of The Administrative Code of 1929 (71 P. S. § 240.14A).

§ 7.8. Floor plans.

Applicants for new licenses or for transfer of location of existing licenses shall submit floor plans with the application depicting all areas to be licensed. Floor plans are required for existing structures, as well as for structures proposed for construction and are to depict room dimensions. Floor plans shall be reproduced on paper and are not to exceed 8 1/2 by 11 inches. A separate floor plan is required for each floor used in conjunction with the licensed business.

§ 7.9. Site plans.

Applicants for new licenses or for transfer of location of existing licenses shall submit site plans when the structure the applicant intends to occupy has not been constructed at the time the application is filed with the Board. Site plans shall be reproduced on paper in an 8 1/2 by 11-inch format and shall depict the location of the proposed licensed premises in relation to identifiable property lines or easily identifiable landmarks with measurements to the property lines or landmarks.

Subchapter B. EXTENSION OF LICENSES

§ 7.22. Application.

(a) To obtain Board approval, an application for extension of license describing the additional premises shall be filed with the Board [, to which shall be attached a bond rider covering the premises, properly executed by the surety who executed the bond filed with the application for the current license].

* * * * *

§ 7.23. Approval.

The additional premises for which it is desired to extend a license shall be completely equipped for the carrying on of the type of business permitted under the license, but no sales of liquor or malt or brewed beverages, storage or similar activity may take place in the additional premises until approval has been given by the Board. Where the extension of premises involves physical alterations or new construction, the Board may grant prior approval for the extension, as similarly provided in section 403(a) of the Liquor Code (47 P. S. § 4-403(a)). The application for extension of license [should] shall be accompanied by a written request for consideration, together with floor plans [in duplicate] as set forth in § 7.8 (relating to floor plans) clearly showing the [restaurant, hotel or club] premises as it will be after the alterations or construction are completed. If the additional premises the applicant intends to license has not been constructed at the time the application is filed with the Board, a site plan shall be submitted as set forth in § 7.9 (relating to site plans). Approval may be in the form of a new license, giving the additional address or a letter authorizing the use of additional premises. In the case of distributors and

importing distributors of malt or brewed beverages, no sales of malt or brewed beverages may be made in a warehouse except that in which the office or principal place of business of the licensee is maintained.

Subchapter D. EXCHANGE OF LICENSES

DISTRIBUTOR AND IMPORTING DISTRIBUTOR LICENSES

§ 7.41. Applications [and bonds].

An application for the exchange of Distributor or Importing Distributor Licenses shall be filed on a form furnished by the Board and will be considered by the Board only at the times indicated in § 7.42 (relating to effective dates). **[The application shall be accompanied by a bond executed on the standard form furnished by the Board, in the penal sum required for the type of license sought.]**

CHAPTER 9. TRANSPORTATION, IMPORTATION, DISPOSITION AND STORAGE

Subchapter A. TRANSPORTATION OF LIQUOR, MALT OR BREWED BEVERAGES OR ALCOHOL LICENSES

§ 9.12. Applications for Transporter-for-Hire Licenses.

(a) *Transporter-for-Hire License, Class A.* An application for a Transporter-for-Hire License, Class A, shall be filed on forms furnished by the Board and shall be accompanied by application and license fees in accordance with section 614-A of The Administrative Code of 1929 (71 P. S. § 240.14A) **[and an approved corporate surety bond in the penal amount as established in section 506 of the Liquor Code (47 P. S. § 5-506)]**. The license will be issued for the calendar year and the license fee will be prorated quarterly, in accordance with section 508 of the Liquor Code (47 P. S. § 5-508).

(b) *Transporter-for-Hire License, Class B.* An application for a Transporter-for-Hire License, Class B, shall be accompanied by application and license fees in accordance with section 614-A of The Administrative Code of 1929 **[, and an approved corporate surety bond in the penal amount as established in section 492(8) of the Liquor Code (47 P. S. § 4-492(8))]**. The licenses will be issued for the calendar year.

(c) *Transporter-for-Hire License, Class C.* An application for Transporter-for-Hire License, Class C, shall be accompanied by application and license fees in accordance with section 614-A of The Administrative Code of 1929 **[, and an approved corporate surety bond in the penal amount as established in section 506 of the Liquor Code]**. The license will be issued for the calendar year. To secure this license, the applicant shall demonstrate that he maintains a fleet of vehicles primarily engaged in general parcel consignment, servicing all points within this Commonwealth and shall demonstrate that he can transport liquor from points in this Commonwealth to Board facilities, from Pennsylvania licensed limited winery locations to limited winery customers and from distilleries of historical significance to distillery customers.

Subchapter E. IMPORTATION AND DISTRIBUTION OF MALT OR BREWED BEVERAGES

GENERAL PROVISIONS

§ 9.91. Importation.

* * * * *

(b) This section does not prohibit the importation of malt or brewed beverages by either of the following:

(1) A resident of this Commonwealth, for personal use only and not for sale, provided that the malt or brewed beverages are in original containers and that the tax thereon has been paid, or provisions for the payment have been made under the **[Pennsylvania]** Malt Beverage Tax Law **[(47 P. S. §§ 103—120.3)]** **(72 P. S. §§ 9001—9016)**.

* * * * *

(c) Sales of malt or brewed beverages intended to be transported for delivery or use in this Commonwealth shall be consummated outside this Commonwealth and shall be paid for in full prior to or at the time of delivery to the consignee in this Commonwealth, who shall pay transportation charges. The beverages shall also be tax paid in accordance with section **[409] 9003** of the **[Pennsylvania]** Malt Beverage Tax Law **[(47 P. S. § 409) (Repealed)]** **(72 P. S. § 9003)**, and the transporter shall be considered the agent of the consignee.

CHAPTER 11. PURCHASES AND SALES

Subchapter A. GENERAL PROVISIONS

RETAIL AND WHOLESALE PURCHASE—GENERAL

§ 11.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[Market conditions or other good cause—Factors that affect the wholesale price of malt or brewed beverages, including, but not limited to, the following: the availability and cost of raw materials, labor, transportation, weather, natural disaster, or other extraordinary events affecting supply and demand.]

* * * * *

§ 11.2. [Who may purchase] (Reserved).

[(a) A person legally qualified to purchase liquor at retail in this Commonwealth may purchase alcohol directly at State Liquor Stores, or by special order through the State Store system under § 11.4 (relating to sales at wholesale).

(b) Purchasers at wholesale shall comply with § 11.4.]

§ 11.3. Sales at retail.

(a) State Liquor Stores may stock ethyl alcohol, 190 proof, for retail sales **subject to the following:**

(1) An individual or entity desiring to purchase ethyl alcohol shall file an application on forms provided by the Board.

(2) The Board may approve the application of an individual or entity who swears or affirms that the alcohol will be purchased for nonpotable use only.

* * * * *

Subchapter C. WINES

AGENTS OF SACRAMENTAL WINE LICENSEES

§ 11.91. [Registration] Employment of agents.

[It is unlawful for a] A sacramental wine licensee [to] may employ individuals to solicit orders for sacramental wines or to promote the sale of the wines [unless the individual has been registered with the Board by the licensee. The application shall be made upon forms provided by the Board and shall include the name and address of the sacramental wine licensee, the name and home address of the agent and additional information required. The form shall be signed by both parties. Two photographs of the agent, each exactly 1 1/2 inch square in size, taken within 30 days, shall also be submitted. The application shall be accompanied by a remittance of \$65 for each agent to be registered. The Board may refuse to register an agent]

§ 11.92. [Identification cards] (Reserved).

[Upon approval by the Board of the application of the licensee for registration of agents, authorized agents will be issued identification cards containing the name and address of the licensee, and the name and address and physical description of the agent. There will be affixed to the identification card a photograph of the agent. An identification card is not valid until signed by the agent and countersigned by a representative of the Board.]

Subchapter L. [MANNER OF CHANGING PRICES OF MALT OR BREWED BEVERAGES] RESERVED

(Editor's Note: As part of the proposal, the Board is proposing to delete the existing text of §§ 11.201 and 11.203—11.205, which appears at 40 Pa. Code pages 11-39—11-42, serial pages (239327)—(239330).)

§ 11.201. (Reserved).

§§ 11.203—11.205. (Reserved).

CHAPTER 13. PROMOTION

Subchapter A. ADVERTISING

ADVERTISING OF BRAND NAMES

§ 13.43. Interior display.

(a) A licensee may not install or permit to be installed electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for interior display on the licensed premises until [he] the licensee has submitted detailed information to the Board on forms provided by the Board, and obtained Board approval. [A single piece of advertising may not exceed a cost of \$70, and the signs shall carry a serial or model number permanently affixed to the display for identification purposes.] A photograph or sketch of the display sign shall accompany the application form.

(b) When the approved sign, as described in subsection (a), is of maximum value no background material may be used in conjunction with the installation. [When the

approved display piece is of less than the maximum value, the combined cost of the piece of advertising and background or decoration may not exceed \$70.]

(c) [Under the Liquor Code, the total cost of the point-of-sale advertising matter relating to any one brand may not exceed the sum of \$140.

(d)] Signs or displays intended for use interchangeable in a window, doorway or in the interior shall meet the requirements for both maximum area, as provided in § 13.42 (relating to window and doorway display), and maximum value.

Subchapter B. PROMOTION OF SALE OF LIQUOR BY VENDORS

§ 13.71. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Agent—An individual employed [and registered] by a licensed vendor, to promote the sale of liquor through State Liquor Stores. A person who is a licensee or the holder of a Malt or Brewed Beverage License, or an officer, director, agent or employe of either a licensee or such a licensee, or who is not at least 21 years of age, [a citizen of the United States] and of good character, is not eligible to be [registered as] an agent of a vendor under this subchapter.

* * * * *

Vendor's permit—A permit issued to a nonresident vendor under section 208(j) of the Liquor Code (47 P. S. 2-208(j)) [, entitling the vendor to register agents in accordance with this subchapter]. An application for the permit shall be filed with the Board accompanied by proper fees in accordance with section 614-A of The Administrative Code of 1929 (71 P. S. § 240.14A) [, and an approved corporate surety bond in the penal sum of \$2,000]. A permit will be issued for the calendar year only.

§ 13.72. [Registration of agents] (Reserved).

[(a) Requirement. A vendor may not employ, or an individual may not act as, an agent, salesman or solicitor to promote the sale of the products of the vendor in this Commonwealth, unless the persons are registered with the Board and issued identification cards in accordance with this subchapter.

(b) Applications.

(1) A vendor who desires to employ agents to promote the sale of liquor through State Liquor Stores or on special order shall be the holder of a valid Manufacturer or Importer Liquor License or a vendor's permit. The licensed vendor is eligible to register agents in accordance with this section. The licensed vendor shall make application for the registration of agents on the form provided by the Board.

(2) The application shall include the full address of the place where complete records of Commonwealth operations of the vendor are maintained. Resident manufacturers or importers shall maintain records within this Commonwealth. When the holder of a vendor's permit maintains records outside of this Commonwealth, the application shall

include an agreement that the records are open to inspection and audit by representatives of the Board during normal business hours, and that the transportation and traveling expenses of the representatives will be paid by the vendor.

(3) With the application of each vendor, there shall be a Statement of Agent for each agent for whom registration is sought on the form provided by the Board. Accompanying the Statement of Agent there shall be two unmounted photographs of each agent, 1 1/2 inch square, taken within 30 days of the date of filing.

(c) *Filing fee.* In registering a new agent, a vendor shall pay a filing fee of \$65. If the application for registration is denied, the filing fee will be retained by the Board. Registrations expire on December 31 of the year in which they become effective.

(d) *Renewal of registration.* The registration of agent may be renewed for 1 calendar year upon the filing by the licensed vendor of an application for renewal and the payment of the filing fee of \$65. A Statement of Agent for each agent to be registered shall also accompany the application, as shall new photographs of each agent, 1 1/2 inch square, taken within 30 days of the filing of the application. Necessary application materials shall be filed with the Board by December 1 of each year.]

§ 13.73. Privileges of [registered] vendors' agents.

(a) Agents [properly registered, as provided in § 13.72 (relating to registration of agents), and holding identification cards, as described in § 13.74 (relating to identification cards),] may advertise and promote the sale of stock merchandise by "missionary work" of only those brands sold to the Board by the vendor by whom the agents are registered. [Such] This work may include the use of the "Agents Order" form approved by the Board.

* * * * *

(c) Agents may solicit from licensees or other persons, orders for those brands of liquor which have been listed with the Special Liquor Purchase Division by the vendors by whom [said] the agents are registered. All special orders obtained by [registered] vendors' agents shall be filed with one of the State Liquor Stores as required in this subchapter.

§ 13.74. [Identification cards] (Reserved).

[(a) No vendor may personally solicit orders or promote the sale of his products unless he has submitted photographs of himself and has been issued an identification card, as required for registered agents in subsection (b). No application, bond or fee is required for the card.

(b) Upon approval by the Board of the application of a licensed vendor for the registration of agents, there will be issued to such authorized agents identification cards containing the name and address of the licensed vendor and the name and physical description of the agent. There will be affixed to the card a photograph of the agent, and such card will be countersigned by a representative of the Board. If mailed, the identification card will be mailed to the licensed vendor for delivery to the

agent. The agent shall return the identification card to the licensed vendor upon request.

(c) Where the employment of an agent is terminated, the vendor shall immediately notify the Board on the form provided for cancellation and the identification card issued to the agent shall be surrendered to the Board.]

§ 13.75. [Refusal and cancellation of registrations] (Reserved).

[The Board may refuse any application for the registration of an agent. A licensed vendor may request the cancellation of the registration of any of his agents by returning the identification card and order books—or notice of transfer of books—issued to the agent, together with a written request of such cancellation. Forms will be furnished upon request by the Bureau of Licensing, Pennsylvania Liquor Control Board, Harrisburg, Pennsylvania 17124. The Board may cancel the registration so requested.]

§ 13.77. Agents' order books.

(a) [Upon approval of the application of the licensed vendor for registration and the issuance of identification cards to registered agents, the] The Board, upon request, will issue order books to vendors for themselves and their [registered] agents, in which each special order for liquors shall be entered. Each order shall be prepared in quadruplicate and bear the signature and address of the person from whom it is obtained, and the signature of the agent. In the case of a licensee, the order shall include the license number. The original order shall be forwarded to a State Liquor Store not later than the business day after [such] the order is obtained. One copy of the order shall be furnished by the licensed vendor or his [registered] agent to the person from whom the order is obtained and one copy shall be retained by the vendor for his records; and the other copy shall remain in the order book. The Board reserves the right to examine the records of any licensed vendor or his agents.

* * * * *

§ 13.78. Special orders: requirements and conditions.

(a) All orders obtained in accordance with this subchapter and presented by licensed vendors or their [registered] agents to State Liquor Stores for licensees shall be filed at the established wholesale case prices prescribed by the Board for sales to licensees. [Such] The wholesale prices apply only [where] when the retail value of the order equals or exceeds the minimum retail value established by the Board.

(b) All orders presented at State Liquor Stores by [registered] agents on behalf of persons other than licensees shall be at the established retail special liquor order prices. No order may be taken for less than case quantities.

(c) A licensed vendor or his [registered] agents may not obtain an order from either a licensee or other person unless there is obtained at the same time a sum not less than the amount required by the Board for deposit on special order sales under the Liquor Code. State Liquor Stores may, at the time of receiving the order or releasing the liquor to the purchaser, accept the checks of licensees in payment.

(d) A licensed vendor or his [registered] agent [shall] may not extend credit to a licensee or any other person.

§ 13.79. Special orders: restrictions.

(a) Licensed vendors and their [registered] agents shall place special orders for liquor at State Liquor Stores on the prescribed order book forms signed by the licensee or his [duly] authorized agent, or in the case of a retail sale, by the customer.

* * * * *

(d) Special orders placed by a licensed vendor or his [registered] agent for a retail customer may be released by the State Liquor Store for delivery to [such] the customer.

§ 13.81. Samples of liquor.

(a) Each [registered] agent of a licensed vendor may not use more than one case of each brand of liquor sold by [such] the vendor as samples during any calendar month. [Such] The samples shall be purchased only through the Board, at a sum equal to the cost price to the Board plus 25% and any required taxes. The purchase of samples at retail in any State Store is prohibited. A separate order for samples shall be placed for each [registered] agent, and the name of [such] the agent shall appear on the order. The vendor (or his authorized supervisor) may be permitted to purchase and distribute to his [registered] agents the prescribed allotment for all [such] agents under his supervision. The vendor shall, upon request, file with the Board a statement giving the name of his authorized supervisor, together with the territories and names of all [registered] agents under his supervision.

* * * * *

(d) Each licensed vendor shall keep a permanent stock ledger record of all the samples purchased by him, the names of the agents to whom samples were issued, and the quantity and brand. Each authorized supervisor of a vendor shall keep in his office in this Commonwealth a permanent stock ledger record of all samples purchased and distributed by him to his [registered] agents as provided in this section. A requisition shall be prepared for each package removed from sample stock, bearing the signature of the agent receiving [such] the merchandise.

§ 13.86. Agency provisions.

Licensed vendors and their [registered] agents shall, except as otherwise restricted in this title, be considered the agents of the persons from whom they obtain special liquor orders. Neither the Commonwealth nor the Board will be responsible for the proper disposition of any monies collected from a licensee or other person by a licensed vendor or his agents, and under no circumstances will the Commonwealth or the Board be responsible for any actions of a licensed vendor or his agents.

§ 13.87. Records.

(a) Every licensed vendor shall maintain and keep complete records of all operations in this Commonwealth for [a period of] 2 years, which shall be open to inspection by authorized representatives of the Board during normal business hours. [Such] These records shall include salaries or commissions of all [registered] agents and other employes working in this Commonwealth, expenses of [such] the employes supported by detailed vouchers, all promotional and advertising expenditures, special order sales[,] and stock merchandise requests.

(b) All agents of vendors operating in this Commonwealth[, whether licensed or not,] shall maintain complete records covering their operations in this Commonwealth[, which]. The records shall also be open to inspection by authorized representatives of the Board during normal business hours.

Subchapter C. SOLICITATION FOR THE PURCHASE OF ALCOHOLIC BEVERAGES

§ 13.102. Discount pricing practices.

* * * * *

(b) Exceptions. Nothing in subsection (a) prohibits:

* * * * *

(3) The sale, serving or offering of an unlimited or indefinite amount of alcoholic beverages as part of a meal package after 7 a.m. on December 31, 1999, until 2 a.m. on the following day by a hotel licensee to registered overnight guests of the hotel.

[Pa.B. Doc. No. 99-1713. Filed for public inspection October 8, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 28, 1999.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
9-27-99	Croydon Building and Loan Association Croydon Bucks County	Croydon	Approved
	<i>To:</i> Croydon Savings Bank Croydon Bucks County		
	Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-13-99	Orrstown Bank Orrstown Franklin County	Orrstown	Effective
	Purchase of assets/assumption of liabilities of one branch office of Sovereign Bank, F.S.B., Wyomissing, Located at: 1730 Lincoln Way East Chambersburg Franklin County		
9-20-99	Northwest Savings Bank Warren Warren County	Warren	Effective
	Purchase of assets/assumption of liabilities of eight branch offices of PNC Bank, N.A., Pittsburgh, located at: 475 Theatre Drive Johnstown Cambria County		
	Lyter Dr. & Entrance Way Johnstown Cambria County	Walnut & W. Spruce Sts. Marienville Forest County	
	225-227 Frankklin Street Johnstown Cambria County	428 Main Street Smethport McKean County	
	221 Elm Street Tionesta Forest County	5 Buckingham Street Tidioute Warren County	
		101 South Main Street Sheffield Warren County	

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-20-99	Fulton Bank Lancaster Lancaster County	South York Plaza Pauline Drive York Township York County	Opened
9-22-99	Sun Bank Selinsgrove Snyder County	2 E. Mountain Ave. South Williamsport Lycoming County	Approved
9-23-99	Main Street Bank Reading Berks County	15 Maplewood Drive Amity Township Berks County	Filed
9-23-99	Main Street Bank Reading Berks County	100 Progress Drive Doylestown Township Bucks County	Filed
9-27-99	Patriot Bank Pottstown Montgomery County	151 Good Drive Lancaster Lancaster County	Approved
9-27-99	Patriot Bank Pottstown Montgomery County	500 Office Center Dr. Fort Washington Montgomery County	Approved
9-27-99	Patriot Bank Pottstown Montgomery County	65 E. Elizabeth Ave. Bethlehem Northampton County	Approved

Note: Patriot Bank branches were listed as approved 9-15-99 on Summary No. 38; approval date should be changed to 9-27-99.

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-17-99	Summit Bank Bethlehem Northampton County	<i>Into:</i> 9501 Bustleton Ave. Philadelphia Philadelphia County <i>From:</i> 1695 Grant Avenue Philadelphia Philadelphia County	Effective
9-24-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 36 Robin Hood Drive Newberry Township York County <i>From:</i> 320 Newberry Commons Newberry Township York County	Filed

Consolidation was effected in conjunction with the merger of Prime Bank, Philadelphia, with and into Summit Bank. The Grant Avenue branch was a branch office of Prime Bank.

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-26-99	East Stroudsburg Savings Association Stroudsburg Monroe County	Mr. Z's Supermarket 695 N. Courtland St. East Stroudsburg Monroe County	Opened

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
9-27-99	Educational Credit Union, Philadelphia, and The Freedom Federal Credit Union, Warminster Surviving Institution— Educational Credit Union, Philadelphia, with a change in corporate title to "Freedom Credit Union"	Philadelphia	Approved

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1714. Filed for public inspection October 8, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated the EPA, Region III, Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 0032590. Sewerage, **Frieden Associates**, 215 W. Church Road, Suite 105, King of Prussia, PA 19406.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Long Run Stream in Wayne Township, **Schuylkill County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Pottstown Water Company on Schuylkill River.

The proposed effluent limits for Outfall 001, based on a design flow of .0325 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	4.5	9
(11-1 to 4-30)	13	26
Dissolved Oxygen	a minimum of 5 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine		
(1st month—24th month)	monitor and report	monitor and report
(25th month—expiration date)	.31	.71

The EPA waver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0024147, Amendment No. 1. Sewage, SIC: 4952, **Cumberland Township Authority (South Treatment Plant)**, 1270B Fairfield Road, Gettysburg, PA 17325.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Willoughby Run in Cumberland Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the City of Frederick, MD on the Monocacy River. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for the design flow of 0.24 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.5	XXX	5.0
(11-1 to 4-30)	7.5	XXX	15
Total Residual Chlorine			
(interim)	0.5	XXX	1.0
(final)	0.11	XXX	0.37
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	3,500/100 ml as a geometric average		

The proposed final effluent limits for Outfall 001 for the design flow of 0.65 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	15	20
Suspended Solids	10	15	20
NH ₃ -N			
(5-1 to 10-31)	2.0	XXX	4.0
(11-1 to 4-30)	6.0	XXX	12.0
Total Residual Chlorine	<0.1	XXX	<0.2
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,600/100 ml as a geometric average		

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3670.

PA 0010421. Industrial waste, SIC: 3089, **West Pharmaceutical Services, Inc.**, R. R. 2, Box 575, Montgomery, PA 17752.

This proposed action is for amendment and renewal of an NPDES permit to discharge noncontact cooling water, process water and treated sewage wastewater to Black Hole Creek in Clinton Township, **Lycoming County**.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton, 12 river miles downstream.

Outfall 002:

The proposed effluent limits for noncontact cooling water and process water, based on a design flow of 0.0812 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cl ₂ Residual	0.39		1.27
pH	6.0 to 9.0 at all times		

<i>Parameter</i>	<i>Maximum Daily (BTUs/Day)</i>	<i>Parameter</i>	<i>Maximum Daily (BTUs/Day)</i>
*Heat		*Heat	
January	62 x 10 ⁶	July	5 x 10 ⁶
February	56 x 10 ⁶	August (1-15)	41 x 10 ⁶
March	158 x 10 ⁶	August (16-31)	72 x 10 ⁶
April (1-15)	90 x 10 ⁶	September (1-15)	67 x 10 ⁶
April (16-30)	270 x 10 ⁶	September (16-30)	46 x 10 ⁶
May (1-15)	99 x 10 ⁶	October (1-15)	66 x 10 ⁶
May (16-31)	165 x 10 ⁶	October (16-31)	43 x 10 ⁶
June (1-15)	29 x 10 ⁶	November (1-15)	72 x 10 ⁶
June (16-30)	48 x 10 ⁶	November (16-30)	31 x 10 ⁶
		December	46 x 10 ⁶

*This discharge shall not change the stream temperature by more than ±2°F in any 1 hour period.

Outfall 003:

The proposed effluent limits for this discharge are based on a design flow of 0.009 mgd of treated sewage.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	10	20
Total Chlorine Residual	0.39	1.27
Fecal Coliform	200/100 ml as a geometric mean	
pH	6.0 to 9.0 at all times	

The EPA waiver is in effect.

PA 0024091-A1. Sewerage, SIC: 4952, **Millville Municipal Authority**, P. O. Box 30, Millville, PA 17846.

This proposed action is to amend the NPDES permit for an existing discharge of sewage to Little Fishing Creek in Millville Borough, **Columbia County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Bloomsburg located on Fishing Creek, 5 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.14 mgd for the existing sewage treatment plant and for a new sewage treatment plant at 0.20 mgd, are:

<i>Discharge Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum² (mg/l)</i>
pH (std units)	within the range 6.0 to 9.0				
Total Cl ₂ Residual*		0.5			1.6
Fecal Coliform (5-1 to 9-30)	200#/100 ml as a geometric average				
(10-1 to 4-30)	2,000#/100 ml as a geometric average				
CBOD ₅		25	40		50
TSS		30	45		60

<i>Discharge Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum² (mg/l)</i>
NH ₃ -N					
(7-1 to 10-31)		10	15		20
(11-1 to 6-30)		20	30		60

*Limit effective 3 years after permit effective date, until then monitor and report results.

PA 0024091-A1. Sewerage, SIC: 4952, **Millville Municipal Authority**, P. O. Box 30, Millville, PA 17846.

This proposed action is to amend the NPDES permit for an existing discharge of sewage to Little Fishing Creek in Millville Borough, **Columbia County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Bloomsburg located on Fishing Creek, 5 river miles downstream.

Outfall 001:

The proposed effluent limits, based on a design flow of 0.14 mgd, are:

<i>Discharge Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (std units)	within the range 6.0 to 9.0				
Total Cl ₂ Residual*		0.5			1.6
Fecal Coliform					
(5-1 to 9-30)		200#/100 ml as a geometric average			
(10-1 to 4-30)		2,000#/100 ml as a geometric average			
CBOD ₅		25	40		50
TSS		30	45		60
NH ₃ -N					
(7-1 to 10-31)		10	15		20
(11-1 to 6-30)		20	30		60

*Limit effective 3 years after permit effective date, until then monitor and report results.

Outfall 001:

The proposed effluent limits, based on a design flow of 0.25 mgd, are:

<i>Discharge Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
pH (std units)	within the range 6.0 to 9.0				
Total Cl ₂ Residual		.41			1.35
Fecal Coliform					
(5-1 to 9-30)		200#/100 ml as a geometric average			
(10-1 to 4-30)		2,000#/100 ml as a geometric average			
CBOD ₅		15	22.5		30
TSS		30	45		60
NH ₃ -N					
(7-1 to 10-31)		5	7.5		10
(11-1 to 6-30)		15	22.5		30
Dissolved Oxygen	6.0				

Outfall 001:

The proposed effluent limits expanded to a design flow of 0.25 mgd, based on a plant upgrade with the acceptance of 50,000 gpd of landfill leachate, are:

<i>Discharge Parameter</i>	<i>Average Monthly (ug/l)</i>	<i>Instantaneous Maximum (ug/l)</i>
Antimony	28	56
Arsenic	140	280
Beryllium	28	56
Cadmium	3.2	6.4
Chromium, VI	29	58
Copper	32	64
Lead	9.0	18
Mercury	0.034	0.068
Nickel	445	890
Selenium	14	28

<i>Discharge Parameter</i>	<i>Average Monthly (ug/l)</i>	<i>Instantaneous Maximum (ug/l)</i>
Silver	7.3	14.6
Thallium	5.6	11.2
Zinc	210	420
Cyanide, Free	14	28
Phenolics (Total Phenols)	56	112
2-Chlorophenol	.28	.56
2, 4-Dichlorophenol	.84	1.68
2, 4-Dimethylphenol	370	740
4, 6-Dinitro-o-Cresol	37	74
2, 4-Dinitrophenol	200	400
2-Nitrophenol	4,500	9,000
4-Nitrophenol	1,300	2,600
p-Chloro-m-cresol	87	174
Pentachlorophenol	4.5	9
Phenol	56	112
2,4,6-Trichlorophenol	5.6	11.2
Acrolein	2.8	5.6
Acrylonitrile	.90	1.8
Benzene	15	30.0
Bromoform	60	120
Carbon Tetrachloride	4.5	9
Chlorobenzene	56	112
Chlorodibromomethane	6	12
2-Chloroethyl Vinyl Ether	9,800	19,600
Chloroform	90	180
Dichlorobromomethane	4.5	9.0
PCBs, Total	0.00060	0.0012
1, 2-Dichloroethane	6.0	12
1, 1-Dichloroethylene	0.90	1.8
1, 2-Dichloropropane	6,100	12,000
1, 3-Dichloropropylene	170	340
Ethylbenzene	1,600	3,200
Methyl Bromide	140	280
Methyl Chloride	15,500	31,000
Methylene Chloride	75	150
1,1,2,2-Tetrachloroethane	3.0	6.0
Tetrachloroethyl-ene	11	22
Toluene	930	1,860
1, 2-trans-Dichloroethylene	2,000	4,000
1, 1, 1-Trichloroethane	1,700	3,400
1, 1, 2-Trichloroethane	9.0	18
Trichloroethylene	45	90
Total Dichlorobenzenes	1,100	2,200
Vinyl Chloride	0.30	0.60
Acenaphthene	48	96
Anthracene	28,100	56,200
Benzidine	0.00150	0.003
Benzo(a) Anthra-cene	0.045	0.09
Benzo(a)Pyrene	0.045	0.09
3, 4-Benzofluoranthene	0.045	0.09
Benzo(k)Fluor-Anthene	0.045	0.09
Bis(2-Chloroethyl) Ether	0.45	0.09
Bis(2-Chloro-Isopropyl) Ether	2,800	5,600
Bis(2-Ethylhexyl) Phthalate	30	60
4-Bromophenyl Phenyl Ether	150	300
Butylbenzyl Phthalate	98	196
Chrysene	0.045	0.09
Cibenzo(a,h) Anthracene	0.045	0.09
1,2-Dichlorobenzene	460	920
1,3-dichlorobenzene	195	390
1,4-Dichlorobenzene	410	820
3,3'-Dichloro-Benzidine	0.60	1.2
Diethyl Phthalate	2,250	4,500
Dimethyl Phthalate	1,400	2,800
Di-N-Butyl Phthalate	59	118
2, 4-Dinitrotoluene	895	1,790
2, 6-dinitrotoluene	560	

<i>Discharge Parameter</i>	<i>Average Monthly (ug/l)</i>	<i>Instantaneous Maximum (ug/l)</i>
1,2-Diphenylhydrazine	0.60	1.2
Fluoranthene	112	224
Fluorene	2,800	5,600
Hexachlorobenzene	0.011	0.022
Hexachlorobuta-diene	5.6	11.2
Hexachlorocyclo-Pentadiene	2.8	5.6
Hexachloroethane	30	60
Indeno (1,2,3-cd) Pyrene	0.045	0.09
Isophorone	2,000	4,000
Naphthalene	28	56
Nitrobenzene	56	112
N-Nitrosodi-Methylamine	0.011	0.011
N-Nitrosodi-N-Propylamine	0.75	1.5
N-Nitrosodi-Phenylamine	75	150
Phenanthrene	2.8	5.6
Pyrene	2,800	5,600
1,2,4-Trichlorobenzene	73	146
Aldrin	0.00150	0.003
alpha-BHC	0.060	0.12
beta-BHC	0.30	0.6
gamma-BHC (Lindane)	0.22	0.44
Chlordane	0.0075	0.015
4, 4'-DDT	0.0028	0.0046
4, 4'-DDE	0.0028	0.0046
4, 4'-DDD	0.0028	0.0046
Dieldrin	0.0015	0.03
alpha-Endosulfan	0.16	0.32
beta-Endosulfan	0.16	0.32
Endrin	0.006	0.012
Heptachlor	0.003	0.006
Heptachlor Epoxide	0.28	0.56
PCB-1242	0.039	0.078
PCB-1254	0.039	0.078
PCB-1221	0.039	0.078
PCB-1232	0.039	0.078
PCB-1248	0.039	0.078
PCB-1260	0.039	0.078
PCB-1016	0.039	0.078
Toxaphene	0.00056	0.0112
Aluminum	1,400	2,800
Flouride	3,700	7,400
Total Iron	4,200	8,400
Dissolved Iron	843	1,686
Manganese	2,800	5,600
Total, Dichlorobenzene	1,100	2,200
Total, Dinitrotoluene	0.75	1.5
Total, Endosulfans	2.5	5.0
Barium	2,800	5,600
Boron	4,500	9,000
Colbalt	53	106
Lithium	2,500	5,000
Vanadium	300	600
Acetone	11,000	22,000
P-Cresol	450	900
2-Hexanone	12,000	24,000
Methylethyl Ketone	5,600	11,200
Methylisobutyl Ketone	5,600	11,200
1,2,3-Trichloro-Propane	560	1,120
Xylene	600	1,200
Mbas	1,400	1,400
Formaldehyde	1,200	2,400

Other Conditions:

1. The permittee shall enter into a pretreatment agreement with White Pines Corporation (White Pines Landfill) and take all other necessary measures to ensure that the provisions contained in Title 40, Code of Federal Regulations, Section 403.5, concerning "National Pretreatment Standards: Prohibited Discharges" are implemented.

2. Prior to the acceptance of any discharge of landfill leachate into the permittee's sewage treatment plant, the permittee shall submit to the Department a report, which may be prepared by the landfill operator, providing the basis of design for necessary pretreatment of leachate. This report shall include design calculations, leachate characterization, plans of the proposed pretreatment facility, and a statement that the proposed pretreatment facility will protect the Authority's Sewage Treatment Plant's biological process, sludge quality and the receiving stream. The report shall be signed and sealed by a Registered Professional Engineer. The permittee shall not accept this waste stream until an amendment to the Class I Residual Waste Permit No. 301626 has been obtained by White Pines Corporation from the Department authorizing discharge from the landfill to this sewage treatment facility.

The EPA waiver is in effect.

PA 0113140. Sewerage, SIC: 4952, **Nicolina Galluppi**, 2525 Mill Road, Quakertown, PA 18951.

This proposed action is for renewal of an NPDES permit to discharge treated sewage wastewater to an unnamed tributary of North Elk Run in Richmond Township, **Tioga County**. This is an existing discharge.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the PA-NY border located at the PA-NY border, 20 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.013 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
TSS	30.0	60.0
NH ₃ N		
(5-1 to 10-31)	5.0	10.0
(11-1 to 4-30)	15.0	30.0
Total Cl ₂ Residual*	0.81	1.9
Dissolved Oxygen	5.0 inst. minimum	
Fecal Coliforms		
(5-1 to 9-30)		200#/100 mg geometric mean
(10-1 to 4-30)		2,000#/100 ml as a geometric mean
pH		6.0 to 9.0 at all times

*Limit effective 3 years after permit effective date.

The EPA waiver is in effect.

PA 0111961. Sewerage, SIC: 4952, **Department of Environmental Protection, Hawk Run District Office**, P. O. Box 209, Hawk Run, PA 16840.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Hawk Run in Morris Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located 150 miles below the discharge point on the West Branch of the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0008 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Chlorine Residual		
pH	monitor and report	
Fecal Coliforms		
(10-1 to 4-30)		within the limits of 6.0 to 9.0 standard units at all times
(5-1 to 9-30)	2,000/100 ml as a geometric mean	
	200/100 ml as a geometric mean	

Other Conditions: None

The EPA waiver is in effect.

PA 0114332. Industrial waste, SIC: 3494, **Dresser Manufacturing Division**, 41 Fisher Avenue, Bradford, PA 16701.

This application is for issuance of an NPDES permit to discharge treated groundwater to an unnamed tributary of Baldwin Run in Delmar Township, **Tioga County**.

The receiving stream is classified for the following uses: cold water fishery-aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is Jersey Shore Water Company located on Pine Creek 138 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.057 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Trichloroethylene	3.0	6.0
Vinyl Chloride	nondetected using EPA Method 601	
Methylene Chloride	5.0	10.0
1,2 Trans dichloroethylene	monitor only, using EPA Method 601	
1,2 Cis dichloroethylene	monitor only, using EPA Method 601	
1,1,1 Trichloroethane	monitor only, using EPA Method 601	
Chloroform	monitor only, using EPA Method 601	
pH	not less than 6.0 standard units nor greater than 9.0 standard units at all times	

The EPA waiver is in effect.

PA 0024341. Sewerage, SIC: 4952, **Canton Borough Authority**, P. O. Box 237, Canton, PA 17724.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Towanda Creek in Canton Borough, **Bradford County**.

The receiving stream is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Water Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.325 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
TSS	30	45	60
Ammonia			
(5-1 to 10-31)	3	4.5	6
(11-1 to 4-30)	9	13.5	18
Total Cl ₂ Residual	0.38		1.2
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0025810. Sewage, **Shade-Central City Joint Authority**, 429 Sunshine Avenue, Central City, PA 15926.

This application is for renewal of an NPDES permit to discharge treated sewage from the Shade-Central City Sewage Treatment Plant in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dark Shade Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.6 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002, 003 and 004 are pump station emergency bypasses and permitted to discharge only in the event of power or equipment failure. The receiving stream is Dark Shade Creek for each outfall. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow. Outfalls 006, 007 and 008 were permitted as combined sewer overflows and are required to be discontinued from use on or by June 17, 2002.

The EPA waiver is in effect.

PA 0090450. Sewage. **Bullskin Township Swim Club, Inc.**, P. O. Box 274, Mt. Pleasant, PA 15666.

This application is for renewal of an NPDES permit to discharge treated sewage from the Bullskin Township Swim Club STP in Bullskin Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Latta Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of .0042 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0218251. Sewage, **Westmoreland County Department of Public Works**, R. D. 12, Box 203, Donohoe Road, Greensburg, PA 15601.

This application is for issuance of an NPDES permit to discharge treated sewage from the Washington Township Firehall and Magistrate Office STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Beaver Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority on the Allegheny River.

Outfall 001: new discharge, design flow of .001 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	14			28
(11-1 to 4-30)	monitor and report			
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Regional Office: Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

PA 0222950. Sewage. **Joseph C. Cochran and Susan Losey**, 52 Hathaway Lane, Sheffield, PA 16347.

This application is for a new NPDES permit to discharge treated sewage to the Unnamed Tributary to the South Branch of Tionesta Creek in Sheffield Township, **Warren County**. This is a new discharge.

The receiving water is classified for the following uses: high quality-cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the

existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 110 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of .004 mgd, are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Ammonia-Nitrogen	6		12
Fecal Coliform	200/100 ml as a geometric average		
Total Residual Chlorine	1.4		3.3
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0035114. Industrial waste, SIC: 3471, 3315 and 3351, **Torpedo Specialty Wire, Inc.**, R. D. 2, Route 27, Pittsfield, PA 16340.

This application is for a renewal of an NPDES permit, to discharge treated industrial waste and stormwater to Gar Run in Pittsfield Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 87 miles below point of discharge.

The proposed discharge limits, based on a design flow of .0045 mgd, are:

Outfall No. 101

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Cadmium			.092
Chromium (T)			4.38
Copper			.46
Lead			.15
Nickel			4.61
Silver			.076
Zinc			.76
Cyanide (T)			.95
Fluoride			1,019
Total Suspended Solids	30	60	75
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of .002 mgd, are:

Outfall No. 201

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
Total Residual Chlorine	1.4		3.3
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of n/a mgd, are:

Outfall No. 001. This outfall receives waste from Suboutfalls 101 and 201 only. No sampling of this outfall is required at this time.

The EPA waiver is in effect.

This amends the *Pennsylvania Bulletin* notice dated July 3, 1999.

PA 0005860. Industrial waste, SIC: 2022, **Dairy Farmers of America, Inc.**, R. R. 1 Box 111B, S. R. 0208, New Wilmington, PA 16142.

This is for redraft of the NPDES permit, to discharge treated IW, domestic sewage and stormwater to the Shenango River and an unnamed tributary to Buchanan Run in Wilmington Township, **Lawrence County**. This revises the *Pennsylvania Bulletin* notice on May 22, 1999. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed

downstream potable water supply considered during the evaluation is the Western PA Water Company—New Castle District on the Shenango River located at New Castle, approximately 6 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.5 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
BOD ₅	XX	XX	144
TSS	XX	XX	217
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 5,600/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.6
pH		6.0 to 9.0 at all times	

XX—monitor and report on monthly DMRs.

The proposed discharge limits, based on a design flow of n/a mgd, are:

Outfall No. 002

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			XX
Chemical Oxygen Demand			XX
Oil and Grease			XX
pH			XX
Total Suspended Solids			XX
Total Kjeldahl Nitrogen			XX
Total Phosphorus			XX
Fecal Coliform			XX
Dissolved Iron			XX

XX—monitor and report on monthly DMRs. If more than one event occurs in a month, the monthly average of all samples analyzed shall be reported.

The EPA waiver is in effect.

PA 0002461. Industrial waste, SIC: 3494, **DMD/Dresser Ind., Inc., Bradford Operations**, 41 Fisher Avenue, Bradford, PA 16701.

This application is for renewal of an NPDES permit, to discharge noncontact cooling water and stormwater to Tunungwant Creek in Bradford, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA/NY State Line, approximately 6 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.048 mgd, are:

Outfall No. 003

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
TRC	1.0		2.3
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of n/a mgd, are:

Outfall No. 004

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15		30

1. TRC Effluent Minimization Condition.
2. Chemical Additives Condition.

The EPA waiver is in effect.

PA 0222771. Industrial waste, SIC 2299, **Astor Corporation**, 1100 East Main Street, Titusville, PA 16354-0128.

This application is for a new NPDES permit, to discharge noncontact cooling water, Group 2, stormwater to Oil Creek in the City of Titusville, **Crawford County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 48 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0929 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15	23	30
Total Residual Chlorine	0.5	0.8	1.2
Nalco 4360 TAB	0.34	0.51	0.68
pH	6.0 to 9.0 at all times		

The proposed discharge limits, based on a design flow of n/a mgd, are:

Outfall Nos. 002 and 003

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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These outfalls shall consist of uncontaminated stormwater runoff only. Refer to stormwater only outfalls Condition in Part C.

1. Total Residual Chlorine Condition.
2. Chemical Additives Condition.
3. Stormwater Only Outfalls Condition.

The EPA waiver is in effect.

PA 0102784, Amendment No. 1. Industrial waste, SIC: 4953, **Waste Treatment Corporation**, P. O. Box 1561, 1 Harmar Street, Warren, PA 16365.

This application is for modification of an NPDES permit to discharge treated industrial waste to the Allegheny River in Warren, **Warren County**. This is a modification of an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Authority intake on the Allegheny River at Emlenton, approximately 99 miles below point of discharge.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				0.213	
Cadmium	0.087	0.174	0.049	0.098	0.122
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 100,000/100 ml as a geometric average			
Thallium			monitor and report		
Chloride			monitor and report		
Zinc			monitor and report		
MBAS			monitor and report		
Osmotic Pressure			monitor and report		
Acrylanide (2-Propenamamide)			monitor and report		
Toxics			monitor and report		

The proposed effluent limits for Outfall 101, based on a design flow of 0.213 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				monitor and report	
Total Suspended Solids			30		60
Oil and Grease			15		30
Aluminum			4		8
Total Iron			3.5		7.0

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instantaneous Maximum
Acidity			less than alkalinity		
Alkalinity			monitor and report		
pH			6.0—9.0 at all times		

The proposed effluent limits for Outfall 201, based on a design flow of 0.007 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow (mgd)				monitor and report	
Total Suspended Solids			30	45	60
Oil and Grease			15		30
Dissolved Iron					7.0
CBOD ₅			25	40	50
Total Residual Chlorine			0.5		1.2
pH			6.0—9.0 at all times		

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA0082422	Waynesboro Area School District P. O. Box 72 Waynesboro, PA 17201	Franklin County Quincy Township	UNT to Antietam Creek	TRC
PA0082601	James L. Decker L Hartslog Courts R. R. 7 Box 919 Altoona, PA 16601	Huntingdon County Porter Township	Crooked Creek	TRC

**DISCHARGE OF CONTROLLED INDUSTRIAL
WASTE AND SEWERAGE WASTEWATER**

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Industrial waste and sewerage applications under
The Clean Streams Law (35 P. S. §§ 691.1—
691.1001).**

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.

A. 0699406. Sewage, submitted by **Kutztown School District**, 50 Trexler Avenue, Kutztown, PA 19530, Greenwisch Township, **Berks County** to construct an onlot sewage disposal system was received in the Southcentral Region on July 19, 1999.

A. 6783411 99-1. Sewage, submitted by **Dover Borough**, 46 Butter Road, Dover, PA 17315, Dover Borough, **York County** for the installation of an ultraviolet disinfection system was received in the Southcentral Region on August 31, 1999.

A. 6799405. Sewage, submitted by **Stewartstown Borough Authority**, 6 North Main Street, P. O. Box 415, Stewartstown, PA 17363, Stewartstown Borough, **York County** to replace the pumps, controls and valves at the Bailey's Sewage Pumping Station was received in the Southcentral Region on September 16, 1999.

A. 2199407. Sewage, submitted by **Jack and Velma Callaghan**, 1002 Armstrong Road, Carlisle, PA 17013, North Newton Township, **Cumberland County** to con-

struct a small flow single family sewage treatment plant was received in the Southcentral Region on September 22, 1999.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

A. 465120-A3. Industrial waste. **Powerex Inc.**, 200 Hillis Street, Youngwood, PA 15697. Application for the installation and modification of three flow equalization tanks to replace an acid brick-lined equalization basin to serve Powerex, Inc. located in Hempfield Township, **Westmoreland County**.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 4399422. Sewage. **West Salem Township Municipal Sewage Authority**, 610 Vernon Road, Greenville, PA 16125. This project is for the installation of gravity sewer lines, force main and pump stations to serve primarily residential dwellings in West Salem Township, **Mercer County**.

WQM Permit No. 3799201. Industrial waste. **Matus Service**, 2452 Old Route 18, Wampum, PA 16157. This project is for a groundwater remediation system to remediate hydrocarbon-impacted groundwater for the site in New Beaver Borough, **Lawrence County**.

WQM Permit No. 3399403. Sewage. **Gateway Lodge and Restaurant**, Route 36, Box 125, Cooksburg, PA 16217. This project is for an upgrade to an already existing wastewater treatment system to serve a restaurant and lodge in Barnett Township, **Jefferson County**.

INDIVIDUAL PERMITS

(PAS)

Stormwater Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharge.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon

which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department's Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Northampton County Conservation District, District Manager, Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U120. Stormwater. **Frank Oieni**, President, Brodhead Manor Development Corp., 601 Stones Crossing, Easton, PA 18045, has applied to discharge stormwater from a construction activity located in Bethlehem Township, **Northampton County**, to Monocacy Creek.

NPDES Permit PAS10U121. Stormwater. **Monsig. Gerald Gobitas**, St. Jane Frances DeChantal Church, 1918 Washington Blvd., Easton, PA 18042, has applied to discharge stormwater from a construction activity located in Palmer Township, **Northampton County**, to Bushkill Creek.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Mifflin County Conservation District, District Manager, 20 Windmill Hill Rm. 4, Burnham, PA 17009, (717) 248-4695.

NPDES Permit PAS-10-4507. Stormwater. **James F. Knarr** has applied to discharge stormwater from a construction activity located in Brown Township, **Mifflin County**, to UNT Tea Creek. (HQ-CWF)

SAFE DRINKING WATER

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

3299501. Blairsville Municipal Authority, 203 East Market Street, Blairsville, PA 15717. Development of drilled Well. No. 3 to augment the existing water supply serving Derry Township, **Westmoreland County**.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.

A. 2599505. Public water supply. **Millcreek Township Water Authority**, 3608 W. 26th Street, Erie, PA 16505. This proposal involves the installation of four pump

stations to serve additional areas of Millcreek Township, specifically Echo Hills, in Millcreek Township, **Erie County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

CHQ Reproductions, Warminster Township, **Bucks County**. Louis F. Vittorio, Jr., P.G., EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on August 27, 1999.

Five Tower Bridge, Conshohocken Borough, **Montgomery County**. Michael M. Meloy, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Norristown Times Herald* on or about September 14, 1999.

Village Center Mart (Hashas Cleaners), Bensalem Township, **Bucks County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on July 2, 1999.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Adelphia Communications Inc.—Future Operations Center, Coudersport Borough, **Potter County**. Jeffrey Loney, P.G., on behalf of his client Adelphia Communications, Inc., Main at Water Street, Coudersport, PA 16915, has submitted an additional Notice of Intent to Remediate soil contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Potter Leader Enterprise* on March 8, 1999.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Hyde Park Foundry, Borough of Hyde Park, **Westmoreland County**. National Roll Company, Railroad Avenue, Avonmore, PA 15618 and Daniel J. Barton, Crouse and Company, 400 Penn Center Boulevard, Suite 600, Pittsburgh, PA 15235, have submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the

Notice of Intent to Remediate was reported to have been published in the *Valley News Dispatch* on September 10, 1999.

SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and the residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit Application No. WMGR063. Advanced Recycling Technology, Inc., 149 Main Street, P. O. Box 374, Philmont, NY 12565. General Permit No. WMGR063 for processing of copper hydroxide sludge, nickel sulfate residue from plating, copper drawing mud, printed circuit boards, spent fatty nickel catalysts from the food industry, and photographic film prior to metal reclamation at a smelter. The processing involves grinding, drying, blending and combustion at the facility located at 340 South Broad Street, Hallam, PA 17406. The Department accepted the application as administratively complete on September 24, 1999.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an integrated plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices

identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

21-03001A: Ahlstrom Filtration, Inc. (P. O. Box A, Mount Holly Springs, PA 17065), for operation of a natural gas/no. 6 fuel oil-fired boiler in Mount Holly Springs, **Cumberland County**.

28-322-001B: Community Refuse Limited d/b/a Mountain View Reclamation (9716 Letzburg Road, Greencastle, PA 17225), for operation of a landfill gas extraction system controlled by an enclosed ground flare. This source is subject to 40 CFR Part 60, Subpart WWW, New Source Performance Standards for Municipal Waste Landfills.

29-05001A: JLG Industries, Inc. (1 JLG Drive, McConnellsburg, PA 17233-9533), for operation of three post assembly spray paint booths at the McConnellsburg facility in Ayr Township, **Fulton County**.

31-310-025E. U. S. Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411), for operation of a silica sandstone dry screening operation controlled by a fabric collector at the Keystone Plant in Brady Township, **Huntingdon County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of performance for Nonmetallic Mineral Processing Plants.

36-05014B: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604), for operation of two aluminum hot rolling mills controlled by rotoclones and stack skimmers in Manheim Township, **Lancaster County**.

36-05014C: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604), for operation of an aluminum dross process line controlled by a baghouse in Manheim Township, **Lancaster County**.

67-309-107: Lehigh Portland Cement Co. (200 Hokes Mill Road, York, PA 17404), for operation of a railcar cement loading system in West Manchester Township, **York County**.

67-310-054: Lehigh Portland Cement Co. (200 Hokes Mill Road, York, PA 17404), for operation of a roll crusher in West Manchester Township, **York County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

OP-04-00673: Lacock Cremation Services, Inc. (P. O. Box 589, 2 Chester Way, Rochester, PA 15074), for operation of human crematory in East Rochester Borough, **Beaver County**.

City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.

S96-039: Baum Printing Co. (9985 Gantry Road, Philadelphia, PA 19115), for operation of an offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are six nonheatset offset sheetfed lithographic printing presses.

S95-053: Fabricon Products (4101 North American Street, Philadelphia, PA 19140), for operation of a printed coated paper manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 8.5 MMBTU/hr boilers and three printing presses in the City of Philadelphia, **Philadelphia County**.

S96-052: Friends Hospital (4641 Roosevelt Boulevard, Philadelphia, PA 19124), for operation of three 400 HP boilers and four emergency generators in the City of Philadelphia, **Philadelphia County**.

S96-001: John F. Kennedy Memorial Hospital (Cheltenham Avenue and Langdon Street, Philadelphia, PA 19124), for operation of two 500 HP boilers and two emergency generators in the City of Philadelphia, **Philadelphia County**.

S96-041: St. Agnes Hospital (1900 South Broad Street, Philadelphia, PA 19145), for operation of three 20.95 MMBTU/hr boilers and four emergency generators in the City of Philadelphia, **Philadelphia County**.

S95-028: Stone Container Corp. (Tulip and Decatur Streets, Philadelphia, PA 19136), for operation of a paper product manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 600 HP boiler, a 350 HP boiler, two scrap collector cyclones, eight wide-web flexographic printing presses, a folder-gluer, a pallet maker and a post machine.

S96-009: The Children's Hospital of Philadelphia (34th and Civic Center Boulevard, Philadelphia, PA 19104), for operation of three 500 HP boilers, one 250 HP boiler and seven emergency generators in the City of Philadelphia, **Philadelphia County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the

regional office telephone number noted. For additional information contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.

06-05007: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662), for a specialty steel manufacturing facility in Reading/Muhlenberg Township, **Berks County**. The operation primarily emits particulate, sulfur dioxide, nitrogen oxides, carbon monoxide and volatile organic compounds.

City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.

V95-013: Arbill Industries, Inc. (2207 West Glenwood Avenue, Philadelphia, PA 19132), for operation of an industrial laundry and petroleum based dry-cleaning facility. The facility's air emission sources include two 5.5 MMBTU/hr boilers, two heavy-duty petroleum solvent dry cleaning washers, ten textile dryers with built-in condensers, three vacuum stills for petroleum solvent recovery and 26 hampers used to convey textiles in the City of Philadelphia, **Philadelphia County**.

V95-079: University of Pennsylvania (3451 Walnut Street, Philadelphia, PA 19104), for operation of seven <10 MMBTU/hr heaters and furnaces and 44 emergency generators in the City of Philadelphia, **Philadelphia County**.

V95-094: SEPTA—Berridge/Courtland Maintenance Shop (200 West Wyoming Avenue, Philadelphia, PA 19140), for operation of two 300 HP boilers, four spray booths, two <5 MMBTU/hr spray booth heaters and 34 parts washers in City of Philadelphia, **Philadelphia County**.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

39-309-027A: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064-8928), for construction of an air heat-exchanger to dry slag for the existing finish mills at the Egypt Plant in Whitehall Township, **Lehigh County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-03005C: Morton International (P. O. Box 15209, Reading, PA 19912-5209), for construction of various sources for the manufacturing of plastic powder coatings controlled by five fabric collectors in Reading City, **Berks County**.

21-317-005B: Purina Mills, Inc. (P. O. Box 66812, St. Louis, MO 63166-6812), for modification to the truck unloading system controlled by a cyclone and fabric collector at the Camp Hill Facility in Hampden Township, **Cumberland County**.

28-05004A: Grove U.S. L.L.C. (1565 Buchanan Trail East, Shady Grove, PA 17256), for installation of a continuous surface coating line controlled by a dry filter system at the Shady Grove plant in Antrim Township, **Franklin County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-32-346A: Penn American Coal, LP (R. D. 1, Box 119A, Avonmore, PA 15618), for operation of coal screening plant at Burrel Mine Screening Plant in Burrell Township, **Indiana County**.

City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.

99070, 99077: American Bank Note Co. (132 South 55th Street, Philadelphia, PA 19104), for approval to operate a chrome plating and printing facility in the City of Philadelphia, **Philadelphia County**.

Notice of Intent to Issue

Plan Approval No. 17-399-020

Eagle Environmental II, LP (308 Orchard Avenue, Altoona, PA 16602-4066), has submitted an Air Quality plan approval application to the Department of Environmental Protection's Air Quality Program for approval to construct a residual waste landfill, a mine spoil/coal crushing, screening and conveying operation and two leachate storage tanks in Chest Township, **Clearfield County**. The information provided by the applicant and the Air Quality Program's own analysis indicates that this entire operation may potentially result in the emission of 54.2 tons per 12 consecutive month period of particulate matter, 2.0 tons per 12 consecutive month period of nonmethane organic compounds and 1.7 tons per 12 consecutive month period of hazardous air pollutants. A preliminary review of the information submitted by Eagle Environmental II, LP indicates that the proposed construction will meet all applicable air quality requirements. Based on this finding, the Air Quality Program intends to approve the application and issue a plan approval to construct the proposed residual waste landfill, the mine spoil/coal crushing, screening and conveying operation and the two leachate storage tanks provided that all other affected programs within the Department of Environmental Protection (Department) are also prepared to issue the various other Department permits and approvals required for the respective project.

To ensure compliance with all applicable air quality standards, the Air Quality Program proposes to place the following conditions in the respective plan approval:

1. The residual waste landfill and mine spoil/coal crushing, screening and conveying operation are to be

constructed in accordance with the plans submitted with the application (as approved herein).

2. This plan approval is issued for the construction of the following:

a. A residual waste landfill consisting of a single residual waste disposal area (designated as Area 2) and a network of access and haul roads.

b. A mine spoil/coal crushing, screening and conveying operation consisting of the following:

i. A Stedman Machine Company model no. 3042 jaw crusher and grizzly feeder,

ii. One fixed conveyor,

iii. Two radial stacking conveyors,

iv. A triple deck screen.

c. Two leachate storage tanks.

3. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, all roads originating at the property boundaries and ending at the disposal area shall be paved and shall be cleaned at least once daily utilizing a water truck equipped with a pressurized spray bar. All roads located within the disposal area shall be graveled and a dust suppressant shall be used so as to minimize the emission of fugitive particulate matter.

4. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the landfill operator shall utilize operating practices during the excavation, dumping and spreading of soils, coal, mine spoil, residual wastes and cover materials which are designed to minimize the emission of fugitive particulate matter.

5. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the landfill operator shall not deposit or dispose of any residual wastes at this site which have the potential to generate fugitive particulate matter unless the wastes have first been rendered essentially dust-free at the site of waste generation by treatment with water or other dust suppressants. Under no circumstances shall the landfill operator deposit or dispose of any flyash or like materials at this site which have not been adequately treated with water, and the like at the point of origin.

6. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the landfill gas generated from the residual waste disposal area identified in condition 2a herein shall be collected by a series of vertical gas collection wells as described in the application and supplemental materials submitted for plan approval. The wells shall be capped and tied into blowers that shall vent the landfill gas to an enclosed ground type flare. The landfill gas collection and flaring system shall be designed so as to accommodate the maximum gas generation rate of the landfill.

7. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the flare identified in condition 6 herein shall meet the following criteria:

a. The flare shall be an LFG Specialties, Inc. Flame-Trol II enclosed ground type flare. The flare shall be a 4,000 SCFM model, or larger, and shall maintain a minimum temperature of at least 1,600 degrees Fahrenheit for a residence time of at least 0.83 second.

b. The flare shall be equipped with two blowers that shall be sized to accommodate the maximum gas generation rate.

c. The flare shall be equipped with a continuous pilot ignition source using an auxiliary fuel, either propane or natural gas.

d. The flare shall be operated with a flame present at all times. The flare shall be equipped with an automatic shutoff mechanism designed to immediately stop the flow of gases when a flameout occurs. During restart or startup there shall be sufficient flow of auxiliary fuel to the burner such that unburned landfill gases are not emitted to the atmosphere.

e. The flare flue gas temperature shall be continuously measured and recorded at any time the flare is being used to combust landfill gas. These records shall be maintained on site for at least 5 years.

f. The flare shall be designed for and operated with no visible emissions except for periods not to exceed 5 minutes during any 2 consecutive hours and the opacity during these periods shall never exceed 10%.

g. The flare shall maintain a volatile organic compound destruction efficiency of at least 98% during all times it is being used to control landfill gas emissions.

8. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the landfill operator shall comply with the following operating, monitoring and recordkeeping requirements:

a. The operator shall record the date of initial waste deposition within each of the disposal cells located in Area 2. These records shall be maintained onsite for the life of the landfill.

b. Within 90 days of initial waste deposition within a disposal cell, perimeter gas monitoring wells shall be installed as described in the application and supplemental materials submitted for plan approval. These wells shall be monitored at least quarterly using a portable analyzer capable of detecting landfill gas. Records of all such monitoring shall be maintained onsite for at least 5 years.

c. Once a disposal cell has been capped, the landfill operator shall conduct surface monitoring of the cell on at least a quarterly basis utilizing a portable analyzer capable of detecting at least 500 ppmv (as methane) of landfill gas. Records of all such monitoring shall be maintained onsite for at least 5 years.

d. Should the results of the perimeter well monitoring indicate offsite migration of landfill gas or should the results of the surface monitoring ever indicate landfill gas emissions in excess of 500 ppmv (as methane), the landfill operator shall within 90 days of discovery of either occurrence install gas collection wells at the respective disposal cell and begin the active collection and flaring of the landfill gas.

e. Regardless of the results of the monitoring required in conditions 8b and 8c herein, the landfill operator shall begin the active collection and flaring of landfill gas from a disposal cell no later than 2 years of the date of initial waste deposition within the respective cell unless the landfill operator can successfully demonstrate to the Department's satisfaction that the active collection and flaring of landfill gas is not yet warranted.

9. Once the active collection and flaring of landfill gas has been initiated within a residual waste disposal cell, the landfill operator shall comply with the following operational procedures:

a. Each gas collection wellhead shall be monitored on at least a monthly basis for: pressure, temperature and

oxygen content. The results of all such monitoring shall be recorded and maintained onsite for at least 5 years.

b. Should the results of the monitoring ever show positive pressure, an excessively high temperature or an excessively high oxygen content, the landfill operator shall take whatever steps are necessary to bring the wellhead parameters to within acceptable levels.

c. The landfill operator shall routinely inspect the landfill gas collection system to ensure that no leaks are occurring from the system. Any such leaks shall be immediately repaired.

10. Within 120 days of initial startup of the landfill gas flare, the company shall perform stack testing upon that flare for the determination of the volatile organic compound destruction efficiency and nitrogen oxide emission rate using reference test methods acceptable to the Department.

11. At least 60 days prior to the performance of any testing required by condition 10 herein, a pre-test plan shall be submitted to the Department for evaluation. This plan shall contain the specific testing and analytical procedures to be used in performing the testing.

12. The Department shall be given at least 14 days advance notice of the specific dates and times for the performance of any testing required by condition 10 herein in order that Department personnel can arrange to be present. The Department is under no obligation to accept the results of any testing performed without adequate advance notice having been given to the Department.

13. Within 60 days of completion of any testing required by condition 10 herein, three copies of the test report shall be submitted to the Department. The report shall contain the results of the testing, the description of the testing and analytical procedures actually used, all flare operating data collected during the test, a copy of all raw data and a copy of the calculations generated during the data analysis.

14. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, a water spray dust suppression system shall be used for the control of air contaminant emissions from the mine spoil/coal crushing, screening and conveying operation identified in condition 2b herein. This water spray dust suppression system shall be connected to water supply lines which are capable of delivering water on an immediate demand basis at any time the crushing operation is in use. Immediate demand basis shall be interpreted as meaning that water can be provided to the spray system at any time with no more effort than turning a valve. Failure to have the spray system hooked up to a water supply line and/or failure to provide water to the spray system on an immediate demand basis at any time the crushing operation is in use shall be considered a violation of this condition as well as a violation of 25 Pa. Code § 127.25.

15. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the mine spoil/coal crushing, screening and conveying operation identified in condition 2b herein shall never be operated during periods of weather which render the water spray dust suppression system inoperable.

16. Under no circumstances shall any of the crushing, screening or conveying equipment identified in condition 2b herein be powered with fuel-fired generators or engines nor shall any fuel-fired generators or engines be located at this site for any other reason. The term engine,

as used herein, excludes any engine providing motive power to a mobile air contamination source (truck, bulldozer, front end loader, automobile, and the like).

17. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the landfill operator shall, within 90 days of initial storage of leachate, monitor on at least a quarterly basis the vents of the leachate storage tanks identified in condition 2c herein utilizing a portable analyzer capable of detecting volatile organic compounds at a level of 500 ppmv (as methane). Should any of the monitoring indicate the emission of volatile organic compounds in excess of 500 ppmv (as methane), the landfill operator shall report the monitoring results to the Department and equip the tank vents with carbon adsorption canisters. Records of the monitoring shall be maintained onsite for at least 2 years.

18. The mine spoil/coal crushing, screening and conveying operation is subject to Subparts OOO and Y of the Federal Standards of Performance for New Stationary Sources, respectively, 40 CFR 60.670—60.676 and 40 CFR 60.250—60.254. The company shall comply with all applicable requirements of these subparts as well as any other applicable subpart of the Standards of Performance, including any recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to: U. S. EPA Region III, 1650 Arch Street, 11th Floor, 3 WC22, Philadelphia, PA 19103-2029.

19. Issuance of an operating permit for the aforementioned sources is contingent upon the sources being constructed, the air cleaning devices being installed, and the sources and associated air cleaning devices being maintained and operated, as described in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the sources are in compliance with the requirements specified in any condition contained herein and in 25 Pa. Code §§ 123.1, 123.2, 123.13, 123.31 and 123.41, as well as in compliance with the requirements specified in, or established under, any other applicable rule or regulation contained in 25 Pa. Code Article III. Additionally, the issuance of an operating permit for the mine spoil/coal crushing, screening and conveying operation described in condition 2b herein is contingent upon satisfactory demonstration that any air contaminants emitted from the operation are in compliance with the requirements specified in Subparts OOO and Y of the Federal Standards of Performance for New Stationary Sources, respectively, 40 CFR 60.670—60.676 and 40 CFR 60.250—60.254.

20. The landfill operator shall immediately notify the Department of any malfunction of the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Article III or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

21. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator under subpart (a), above.

(d) The owner/operator may request an extension if compliance with all applicable regulations and plan approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

(e) The notice submitted by the owner/operator under subpart (a), above, prior to the expiration of this plan approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

22. Any notification required as a result of any condition herein should be directed to John Twardowski, Air Pollution Control Engineer, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6523.

The incorporation of the above-referenced conditions into the plan approval is intended to do one or more of the following:

1. Identify the source and location.
2. Establish allowable source operating requirements.
3. Establish appropriate monitoring, recordkeeping, testing and reporting requirements.
4. Help ensure proper operation and adequate maintenance of the air contamination sources.

Copies of the application, the Air Quality Program's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the following address. All inspections must be scheduled in advance.

Persons wishing to protest the issuance of this plan approval or provide the Air Quality Program with additional information which he or she believes should be considered prior to the issuance of the plan approval may submit the information to the Air Quality Program at the following address. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval No. 17-399-020, and concise statements regarding the relevancy of the comments or any protests to the issuance of the plan approval.

A public hearing will be held on November 16, 1999, in order for the public to provide testimony concerning the proposed Air Quality plan approval as well as all other Department permits and approvals required for this

project. The exact location and time of the public hearing will be published in a newspaper of general circulation in Clearfield County.

Written protests or comments should be directed to David W. Aldenderfer Environmental Program Manager, Air Quality Program, Department of Environmental Protection, Northcentral Region, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3648.

For additional information regarding the Department's analysis of the plan approval application, contact John Twardowski, Air Pollution Control Engineer, Air Quality Program, Department of Environmental Protection, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6523.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES

permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Hawk Run District Office P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Coal Applications Received

17970108. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), revision to an existing bituminous surface mine permit for a change in permit acreage from 458.0 to 475.2 acres, located in Bell Township, **Clearfield County**. Receiving streams: unnamed tributaries of Whisky Run and unnamed tributaries of Haslett Run to Whisky Run and Haslett Run both contributory to West Branch Susquehanna River. Application received September 9, 1999.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

63831302. Eighty Four Mining Co. (R. D. 4, Box 425, Moundsville, WV 16041), to revise the permit for the Mine 84 in Somerset Township, **Washington County**, to revise subsidence control plan per changes to 25 Pa. Code § 37(a)(6), no additional discharges. Application received August 10, 1999.

56841306. Lion Mining Co. (204 College Park Plaza, Johnstown, PA 15904), to revise the permit for the Grove No. 1 Mine, Jenifer E seam Refuse Disposal Area in Jenner Township, **Somerset County**, to revise deep mine to include coal refuse disposal area, no additional discharges. Application received August 18, 1999.

03841305. Keystone Coal Mining Corp. (P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Emilie 1 and 2 Mine Portal Shaft No. 7 in Plumcreek/South Bend Townships, **Armstrong County**, postmining land use change to industrial, no additional discharges. Application received September 8, 1999.

03813704. Keystone Coal Mining Co. (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Keystone No. 1 Refuse Disposal Area in Plumcreek Township, **Armstrong County**, renewal, no additional discharges. Application received September 8, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.

24840105. Black Oak Development, Inc. (Box 176, Glen Campbell, PA 15742). Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Benzette Township, **Elk County**, affecting 133.0 acres. Receiving streams: Four unnamed tributaries to Bennett Branch Sinnemahoning Creek to Sinnemahoning Creek. Application for reclamation only. Application received September 20, 1999.

24900103. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, auger and coal refuse disposal operation in

Horton and Fox Townships, **Elk County**, affecting 362 acres. Receiving streams: McCauley Run, Curry Run, Brandy Camp Creek, Boderocco Run, and Unnamed tributaries to the Little Toby Creek and Boderocco Run. Application received September 20, 1999.

16910104. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, auger and coal ash placement operation in Madison Township, **Clarion County**, affecting 304.3 acres. Receiving streams: Unnamed tributary of Catfish Run to Catfish Run; Unnamed tributary to the Allegheny River; all to the Allegheny River. Application received September 20, 1999.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

65990106. Ralph Smith & Son, Inc. (R. R. 1, Box 184C, Derry, PA 15627). Application received for commencement, operation and reclamation of a bituminous surface mine located in Salem Township, **Westmoreland County**, proposed to affect 82.5 acres. A social and economic justification is included with this application. Receiving streams: unnamed tributaries of Porters Run to Porters Run to Beaver Run Reservoir to the Kiskiminetas River. Application received: September 17, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Large Noncoal (Industrial Mineral) Applications Received

08990301. Calvin C. Cole, Inc. (809 N. Elmira Street, Sayre, PA 18840), commencement, operation and restoration of a large industrial minerals (sand and gravel) permit in Athens Township, **Bradford County**, affecting 9.17 acres. Receiving streams: none. Application received September 13, 1999.

ABANDONED MINE RECLAMATION

Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476

Under Act 181 of 1984, the Department of Environmental Protection gives notice of an unsolicited proposal received from Ralph Smith and Son, Inc., Derry, PA, to reclaim an abandoned surface mine in Salem Township, Westmoreland County. The Department intends to enter into negotiations with Ralph Smith and Son, Inc. to contract for site reclamation, if funding is available.

The project, BF 237-101.1, involves reclamation of the area mined by McGal Coal Company where bonds were forfeited by the Department under Permit No. SMP 65820102.

Ralph Smith and Son, Inc. proposes to backfill, regrade and revegetate 18.0 acres. All areas will be regarded to promote surface drainage and provide integration with surrounding unmined areas.

Interested parties should send comments to Richard L. Joyce, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA no later than 4 p.m., November 9, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have

been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E46-850. Encroachment. **Abington Township**, 1176 Old York Road, Abington, PA 19001. To construct and maintain 125 linear feet of 66-inch diameter RCP stream enclosure in and along the 100-year flood plain of an unnamed tributary to Meadow Brook (TSF, MF), connected at the upstream end of an existing 66-inch diameter culvert for Dorel Road. The site is located approximately 100 feet east of the intersection of Cloverly Lane and Dorel Road (Frankford, PA USGS Quadrangle N: 20.10 inches; W: 15.30 inches) in Abington Township, **Montgomery County**.

E51-180. Encroachment. **PA DOT**, 200 Radnor-Chester Road, St. Davids, PA 19087. To place fill and other structures in 0.39 acre of wetlands (PEM/OW and PEM/SS) and to temporarily disturb 0.29 acre of wetland (PEM/OW and PEM/SS) with the construction of roadway access ramps from Interstate 95 to the Philadelphia International Airport, as part of the Terminal Development and Roadway Access Improvement Project. The applicant proposes to restore all temporary impacts and compensate 0.39 acre of permanent wetland impact by constructing replacement wetlands in accordance with a plan made part of application E23-386. The project is located approximately 3,000 feet east of the intersection of S. R. 0291 and Bartram Avenue (Bridgeport, NJ-PA, Quadrangle N: 2.65 inches and W: 0.50 inch) in Tinicum Township, **Delaware County** and the City and **County of Philadelphia**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E45-378. Encroachment. **Borough of Stroudsburg**, 7th and Sarah Streets, Stroudsburg, PA 18360. To construct and maintain a 36-inch diameter HDPE stormwater outfall structure and associated energy dissipater along the northern streambank of Pocono Creek (HW-CWF). The project is located behind Stroud Ford

Dealership, just south of the intersection of S. R. 0611 and Scott Street (Stroudsburg, PA Quadrangle N: 20.3 inches; W: 10.9 inches), Borough of Stroudsburg, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E21-231-R. Encroachment. **The McNaughton Company**, Francis McNaughton, 4400 Deer Path Road, Ste. 201, Harrisburg, PA 17110. To reissue Permit No. E21-231 to The McNaughton Company to construct and maintain two outfall structures with energy dissipaters along the right bank of the Conodoguinet Creek. These outfalls have sizes of 71-inch x 47-inch and 30-inch diameter (Lemoyne, PA Quadrangle N: 22.7 inches; W: 13.76 inches) in Hampden Township, **Cumberland County**.

E28-269. Encroachment. **Harry Fox, Jr.**, 15 Montego Court, Dillsburg, PA 17019. To construct and maintain two stream crossings in the channel of an unnamed tributary to Licking Creek to provide access to residential lots in a housing development called Two Top Meadows located in Kasiesville Village (Clear Spring, MD-PA Quadrangle N: 22.5 inches; W: 1.5 inches) in Montgomery Township, **Franklin County**.

E29-078. Encroachment. **Dwight Gordon**, P. O. Box 187, Needmore, PA 17238. To fill in 0.25 acre of wetland to reduce flooding of cropland located along the left bank floodplain of Barnetts Run (TSF) about 1.0 mile southwest of Needmore Village (Needmore, PA Quadrangle N: 15.65 inches; W: 5.0 inches) in Belfast Township, **Fulton County**.

E36-679. Encroachment. **Fulton Township**, 777 Nottingham Road, Peach Bottom, PA 17563. To maintain roadside embankment stabilization work performed (Emergency Permit No. 36-98-104 issued on August 1998) along 150 feet of the left downstream bank of a tributary to the Octoraro Creek. The project is located approximately 300 feet upstream of an existing culvert under Quarry Road (T-301) (Conowingo Dam, PA Quadrangle N: 19.7 inches; W: 0.8 inch) in Fulton Township, **Lancaster County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D17-018EA. Environmental Assessment. **Dorothy Sullivan** (332 Wyndham Circle East, New Brighton, MN 55112). To breach and remove the Morrisdale Mine Dam across Emigh Run (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 200 feet upstream from the existing S. R. 53 bridge spanning Emigh Run (Phillipsburg, PA Quadrangle N: 10.4 inches; W: 13.8 inches) in Morris Township, **Clearfield County**.

WATER QUALITY CERTIFICATION**Requests for Certification under Section 401 of the Federal Water Pollution Control Act**

The following requests have been made to the Department of Environmental Protection (Department) for certification under section 401(a) of the 1972 amendments to the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), that there is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to comments, suggestions or objections which are submitted in writing 30 days from the date of this notice. Comments should be submitted to the Department at the address indicated above each of the following requests for certification. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of a scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m. on each working day.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

Certification Request Initiated By: Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

Project Description/Location: This activity involves the Schuylkill River Maintenance Dredging project. Dredging would take place within Fairmount Park, at three locations between Strawberry Bridge downstream to Fairmount Dam, in the City of Philadelphia. The first location is a shallow shoal area on the downstream side of Peter's Island, which is a section of a scull boat race-course. The second site is the raw water intake for the City of Philadelphia, located on the west shore of the Schuylkill River. The third site is around and under small, floating wooden docks in front of Boathouse Row. A total of approximately 32,000 cubic yards of material will be removed by a small hydraulic cutter-head dredge. The material will be transported through metal piping to Fairmount Dam, where it will be pumped into barges on the downstream side of the dam. The barges will transport the sediment downstream to the Fort Mifflin confined disposal facility, near the mouth of the Schuylkill River, for unloading.

EARTH DISTURBANCE**Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).**

Warren County Conservation District: District Manager, 609 Rouse Avenue, Suite 203, Youngsville, PA 16371, (814) 563-3117.

EDP 6299801. Earth Disturbance. **The Timber Company**, P. O. Box 86, 233 Main Street, Brookville, PA 15825, to implement an erosion and sedimentation control plan for a timber harvesting earthmoving activity on 78.2 acres of 782 acres in Spring Creek Township, **Warren County**. This project is located along Patchen Road (T-330), approximately 3/4 mile from Jackson Hill Road (T-429). Drainage will be to Spring Creek.

WATER ALLOCATIONS**Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (32 P.S. §§ 631-641) relating to the acquisition of rights to divert waters of this Commonwealth.**

Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

WA63-564A. Water Allocation. **Tri-County Joint Municipal Authority**, P. O. Box 758, Fredericktown, PA 15333. The applicant is requesting a service area expansion to supply drinking water to the Scenery Hill area, **Washington County**.

ACTIONS**FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****[National Pollution Discharge Elimination System Program (NPDES)]****DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER****(Part I Permits)**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514), and 2 Pa.C.S. §§ 501-508 and 701-704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P.S. §§ 691.1-691.1001).

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

NPDES Permit No. PA-0013552. Industrial waste. **Hercules Cement Company**, 501 Center Street, P. O. Box 69, Stockertown, PA 18083, is authorized to discharge from a facility located in Stockertown Borough, **Northampton County**, to Bushkill Creek.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

Permit No. PA0010677. Industrial waste. **Veeder-Root Company**, Sixth Avenue at Burns Crossing, P. O. Box 1673, Altoona, PA 16603-1673, is authorized to discharge from a facility located in Allegheny Township, **Blair County** to the receiving waters named Spencer Run.

Permit No. PA0088153. Industrial waste. **Columbia Petroleum Corporation (New Kingstown Terminal)**, P. O. Box 278, Richland, PA 17087, is authorized to discharge from a facility located in Silver Spring Township, **Cumberland County** to the receiving waters named swale to Hogestown Run.

Permit No. PA0087998. Sewerage. **Kevin W. Ernest, t/a Urban Acres Mobile Home Park**, 35 Ridge Drive, Fleetwood, PA 19522, is authorized to discharge from a facility located in Alsace Township, **Berks County** to the receiving waters named Bernhart Creek.

Permit No. PA0031062. Sewerage. **Robeson-Wernersville Municipal Authority**, P. O. Box 202, Wernersville, PA 19565-0202, is authorized to discharge from a facility located in Heidelberg Township, **Berks County** to the receiving waters named Spring Creek.

Permit No. PA0043672. Industrial waste. **Primex Technologies-Ordnance & Tactical Systems (Flinchbaug Operations)**, 200 East High Street, P. O. Box 127, Red Lion, PA 17356, is authorized to discharge from a facility located in Red Lion Borough, **York County** to the receiving waters named Fishing Creek.

Permit No. 0688405, Amendment 99-1. Sewerage. **Robeson-Wernersville Municipal Authority**, P. O. Box 202, Wernersville, PA 19565-0202. This permit approves the modifications to the construction of Inflow Headworks in Heidelberg Township, **Berks County**.

Permit No. 0699405. Sewerage. **Kevin W. Ernest, t/a Urban Acres Mobile Home Park**, 35 Ridge Drive, Fleetwood, PA 19522. This permit approves the construction of sewage treatment facilities in Alsace Township, **Berks County**.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES Permit No. PA0208779. Industrial waste. **Wickett & Craig of America**, 120 Cooper Road, Curwensville, PA 16833. Permission granted to renew permit to discharge treated wastewater to the West Branch Susquehanna River, from their facility located at Curwensville Borough, **Clearfield County**.

NPDES Permit No. PA0008419. Industrial waste. **Merck & Company Inc.**, P. O. Box 600, Danville, PA 16821-0600. Permission granted to renew their NPDES permit to discharge treated waste process, noncontact cooling and stormwaters to Susquehanna River. Facility located at Riverside Borough, **Northumberland County**.

NPDES Permit No. PA0010031. Industrial waste, Transfer. **Sithe Pennsylvania Holding LLC**, 450 Lexington Ave. 37th Fl., New York, NY 10017. The request for transfer of permit granted to facility located at Bradford Township, **Clearfield County**.

WQM Permit No. 1772204. Industrial waste, Transfer. **Sithe Pennsylvania Holding LLC**, 450 Lexington Ave., 37th Fl., New York, NY 10017. Transfer granted for permit covering the Shawville plant, located at Bradford Township, **Clearfield County**.

WQM Permit No. 1785201. Industrial waste, Transfer. **Sithe Pennsylvania Holding LLC**, 450 Lexington Ave., 37th Fl., New York, NY 10017. Transfer granted for permit covering industrial waste collection and treatment facilities located at Bradford Township, **Clearfield County**.

WQM Permit No. 1787201. Industrial waste, Transfer. **Sithe Pennsylvania Holding LLC**, 450 Lexington Ave., 37th Fl., New York, NY 10017. Transfer granted for permit covering industrial waste collection and treatment facilities located at Bradford Township, **Clearfield County**.

WQM Permit No. 1790201. Industrial waste, Transfer. **Sithe Pennsylvania Holding LLC**, 450 Lexington Ave., 37th Fl., New York, NY 10017. Transfer granted for permit covering industrial waste for the ash disposal site runoff equalization pond, facilities located at Bradford Township, **Clearfield County**.

WQM Permit No. 1777403. Sewerage, Transfer. **Sithe Pennsylvania Holding LLC**, 450 Lexington Ave., 37th Fl., New York, NY 10017. Transfer granted for permit covering sewage treatment plant for Shawville, facility located at Bradford Township, **Clearfield County**.

WQM Permit No. 1793404. Sewerage, Transfer. **Sithe Pennsylvania Holding LLC**, 450 Lexington Ave., 37th Fl., New York, NY 10017. Transfer granted for permit covering equalization tank to the sewage treatment plant, facility located at Bradford Township, **Clearfield County**.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

NPDES Permit No. PA0090271. Industrial waste, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930, is authorized to discharge from a facility located at Fern Valley Disposal Site, Jefferson Borough, **Allegheny County** to receiving waters named unnamed tributary to Monongahela River.

NPDES Permit No. PA0203815-A1. Industrial waste, **County of Allegheny, Department of Aviation, Pittsburgh International Airport**, P. O. Box 12370, Pittsburgh, PA 15231-0370, is authorized to discharge from a facility located at Findlay Township, **Allegheny County**.

NPDES Permit No. PA0023141-A1. Sewerage, **Hastings Area Sewer Authority**, 207 Fifth Avenue, P. O. Box 559, Hastings, PA 16646, is authorized to discharge from a facility located at Hastings Area Sewer Authority STP, Elder Township, **Cambria County**.

NPDES Permit No. PA0027430-A2. Sewerage, **City of Jeannette Municipal Authority**, P. O. Box 168, Jeannette, PA 15644, is authorized to discharge from a facility located at Jeannette Wastewater Treatment Plant, City of Jeannette, **Westmoreland County**.

NPDES Permit No. PA0095362. Sewerage. **Laurelville Mennonite Church Center Association**, Route 5, Box 145, Mt. Pleasant, PA 15666-8908, is authorized to discharge from a facility located at Laurelville Mennonite Church Center Sewage Treatment Plant, Mt. Pleasant Township, **Westmoreland County** to receiving waters named unnamed tributary to Jacobs Creek.

NPDES Permit No. PA0096521. Sewage, **DCNR—Bureau of State Parks**, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551, is authorized to discharge from a facility located at Ohiopyle State Park, Boaters Change House STP, Stewart Township, **Fayette County** to receiving waters named Meadow Run.

NPDES Permit No. PA0097012. Sewage, **Thomas Gordon, Gordon's Mobile Home Park**, 132 Office Drive, Stoystown, PA 15563, is authorized to discharge from a facility located at Gordon's Mobile Home Park Sewage Treatment Plant, Quemahoning Township, **Somerset County** to receiving waters named unnamed tributary of Higgins Run.

NPDES Permit No. PA0216836. Sewage, **Mon View Mining Company**, P. O. Box 606, New Eagle, PA 15067, is authorized to discharge from a facility located at Mathies Mine Preparation Plant, Union Township, **Washington County** to receiving waters named Monongahela River.

Permit No. 3074201-A3. Industrial waste, **West Penn Power Company doing business as Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. Construction of a stormwater holding pond located in Monongahela Township, **Greene County** to serve Hatfield Power Station.

Permit No. 0298405. Sewerage, **Gededo Properties**, 2611 Northwest 80th Street, Tamarac, FL 33322. Construction of pump station/force main located in Marshall Township, **Allegheny County** to serve the Willowbrook Estates.

Permit No. 0299417. Sewerage, **Emil Radinick**, 924 Millcourt, Bridgeville, PA 15017. Construction of single residence sewage treatment plant located in South Fayette Township, **Allegheny County** to serve the Radinick Single Residence Sewage Treatment Plant.

Permit No. 0399402. Sewerage, **Shannock Valley General Services Authority**. Construction of extended aeration sewage treatment plant, gravity and pressure conveyance lines and pump stations located in Cowanshannock Township, **Armstrong County** to serve NuMine—STP, pump station/force main and gravity sewers; Parkwood Avenue—pump station/force main; and Rural Valley—gravity sewers.

Permit No. 0399403. Sewerage, **Shannock Valley General Services Authority**, P. O. Box 157, Yatesboro, PA 16263. Construction of extended aeration sewage treatment plant, pump stations, pressure and gravity sewer system located in Cowanshannock Township and Rural Valley Borough, **Armstrong County** to serve Yatesboro Area Cowanshannock Township and Rural Valley Borough.

Permit No. 5699404. Sewerage, **Edward Connor**, 114 Hawk Lane, Somerset, PA 15501. Construction of single residence sewage treatment plant located in Jenner Township, **Somerset County** to serve Connor Single Residence Sewage Treatment Plant.

Permit No. 6398405. Sewerage, **Fallowfield Township Municipal Authority**. Construction of sanitary sewers and pump stations located in Fallowfield Township, **Washington County** to serve Ghennes Heights, Lockview, Rodgers Stop, Twin Bridges and Warner areas.

Permit No. 6583401-A4. Sewerage, **Hempfield Township Municipal Authority**, R. D. 6, P. O. Box 501, Municipal Building, Greensburg, PA 15601. Construction

of STP—ultraviolet disinfection located in Hempfield Township, **Westmoreland County** to serve New Stanton Water Pollution Control Plant.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

NPDES Permit No. PA0101851. Sewage, **Sisters of the Humility of Mary, Villa Maria Wastewater Treatment Facility**, P. O. Box 906, Villa Maria, PA 16155, is authorized to discharge from a facility located in Pulaski Township, **Lawrence County** to an unnamed tributary to Coffee Run.

NPDES Permit No. PA0221236. Sewage, **Brocklehurst Mobile Home Park**, 313 Clark Road, Jackson Center, PA 16133, is authorized to discharge from a facility located in Jackson Township, **Mercer County** to an unnamed tributary to Fox Run.

WQM Permit No. 2599412. Sewage, **Springfield Village Mobile Home Park**, P. O. Box 76, Lake City, PA 16423. This project is for the installation of an ultraviolet disinfection unit and other improvements to a treatment facility located in Springfield Township, **Erie County**.

WQM Permit No. 2599417. Sewerage, **William Brooks, Jr. SRSTP**, 8928 Horseshoe Dr., Erie, PA 16510. Construction of William Brooks, Jr. SRSTP located in Greene Township, **Erie County**.

NPDES Permit No. PA0101508. Industrial waste, **Franklin Brine Treatment Corporation**, R. D. 2, Box 403-R, Franklin, PA 16323, is authorized to discharge from an existing treatment facility located in Cranberry Township, **Venango County**, to the Allegheny River.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

Final notice is hereby given that the Department of Environmental Protection, after public notice, has on September 22, 1999, issued a National Pollutant Discharge Elimination System Permit to:

Permit No. PAG 043512

Permittee: Karl and Terri Reed, 644 North Ninth Street, Allentown, PA 18102.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

Final notice is hereby given that the Department of Environmental Protection, after public notice, has on October 1, 1999, issued a National Pollutant Discharge Elimination System Permit to:

Permit No. PA 0086282

Permittee: Texas Eastern Transmission Corporation

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Parameter	Monthly Average	Weekly Average	Instantaneous Maximum
Total PCBs	0.00000018	0.00000036	0.00000045

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U115	Wegman's Food Market, Inc. 1500 Brooks Ave. Rochester, NY 14624	Northampton County Hanover Township	Monocacy Creek

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10F075	PA Dept. of Env. Prot. Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Centre County	Mines Run and Unt. Sevenmile Run

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

*List of**General Permit Type*

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

NOTICES

5337

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Upper Bern Township Berks County	PAR-10-C287	Pat Shea Poultry Farm Patrick Shea 3304 Mountain Road Hamburg, PA 19526	Mill Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Centre Township Berks County	PAR-10-C288	Maple Leaf Acres Subdiv. Phase II Wesley R. Pace, Pres. VP Development Inc. 129 Fisher Mill Stream Road Bernville, PA 19506	Unt. Schuylkill River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Catharine Township Frankstown Township Blair County	PAR-10-0682	Rt. 22 Widening PADOT 1620 N. Juniata Street Hollidaysburg, PA 16648	Frankstown Branch Juniata River	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Logan Township Blair County	PAR-10-0686	College Park-Nittany Point GMH Associates Inc. 353 W. Lancaster Ave. Suite 102 Wayne, PA 19087	Spring Run	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Snyder Township Blair County	PAR-10-0688	Vail Ind. Park ABCD Corporation 4500 6th Avenue Altoona, PA 16602	Bald Eagle Creek	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
South Londonderry Township Lebanon County	PAR-10-P102	Hess Early Farm Subdiv. Dennis L. Hess 575 Trail Road Hummelstown, PA 17036	Killinger Creek	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Jackson Township Lebanon County	PAR-10-P105	Whitmoyer Laboratories 100 Creamery Road Myerstown, PA 17068	Tulpehocken Creek	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
North Londonderry Township Lebanon County	PAR-10-P104	Palmyra Walmart David Lavipour & Co. Inc. 444 Park Ave. South Suite 302 New York, NY 10016	Killinger Creek	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Bethel Township Lebanon County	PAR-10-P110	Mountain Stream Village Richard L. Shirk R-1 Box 136 Fredericksburg, PA 17026	Deep Run Elizabeth Run	Lebanon County CD 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
York Township York County	PAR-10-Y401	Equine Meadows Equine Meadows Associates Inc. 1701 W. Market Street York, PA 17404	Mill Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Fairview Township York County	PAR-10-Y408	Ray Conley Phase II 804 Heck Hill Road Lewisberry, PA 17339	Bennett Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
North Codorus Township York County	PAR-10-Y404	Spring Grove Soccer Assoc. Dwight Shaffer 138 Nashville Blvd. Spring Grove, PA 17362	Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Manchester Borough York County	PAR-10-Y406	New Spring Forge Intermed. Sch. Northeastern School District 41 Harding Street Manchester, PA 17345	Hartman Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Fairview Township York County	PAR-10-Y411	South Ridge Chester Snavelly P. O. Box 0886 Camp Hill, PA 17011-0888	Yellow Breeches	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Windsor Township York County	PAR-10-Y405	Crestview Mobile Home Park Ext. Keystone Park Properties P. O. Box 550 Elizabeth, PA 17022	Unt. Kreutz Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Luzerne County Hanover Township	PAR10R186	Earth Conservancy Luzerne Co. Recreation Fields 101 Main St. Ashley, PA 18706	Sugar Notch Run	Luzerne CD (570) 674-7991
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Montgomery County Plymouth Township	PAR150007	Spray Products Corporation P. O. Box 737 Norrstown, PA 19404-0737	Diamond Run	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bucks County Upper Hanover Township	PAR230072	Air Liquide America Corporation 19 Steel Road West Morrisville, PA 19067	Biles Creek	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Franklin County Antrim and Montgomery Townships	PAR403501	Waste Management Disposal Services of Pennsylvania, Inc. Mountain View Reclamation 9446 Letzburg Road Greencastle, PA 17225	UNT to Conococheague Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Hamburg Borough	PAR203591	William Abate Atchison Casting Corporation Empire Steel, Inc. P. O. Box 14867 Reading, PA 19612-4867	Schuylkill River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Reading City	PAR153504	Morton Powder Coatings P. O. Box 15209 Reading, PA 19612-5209	Tulpehocken Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Bradford Township	PAR704809	Site Pennsylvania Holding LLC 450 Lexington Ave. 37th Floor New York, NY 10017	W. Br. Susquehanna	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County South Fayette Township	PAG046188	Emil Radinick 924 Millcourt Bridgeville, PA 15017	Tributary to Fishing Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Jenner Township	PAG046190	Edward Conner 114 Hawk Lane Somerset, PA 15501	Coal Run, Tributary of Beaverdam Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County East Huntingdon Township	PAG046191	Charles L. Mayers 308 McClerge Avenue Herminie, PA 15637	Anderson Run Tributary to Jacobs Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene Township Erie County	PAG048620	William Brooks, Jr. 8928 Horseshoe Drive Erie, PA 16510	Unnamed Tributary of Fourmile Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Washington County Monongahela	PAG056134	Pennzoil-Quaker State Company P. O. Box 2967 Houston, TX 77252-2967	Dry Run Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Northampton County Lower Mount Bethel Township	PAG09-2206	Allstate Septic Systems 5167 Berry Hollow Road Bangor, PA 18013		Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

The Department of Environmental Protection (Department) has taken the following actions on previously

received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35

P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Foster Township, Schuylkill County

The Department has completed its review of the Act 537 Sewage Facilities Plan for Foster Township (Plan). The Department has found that the Plan is now acceptable and hereby grants planning approval.

The chosen alternative consists of: construction of a sewerage collection system and a sewerage conveyance system to serve the Buck Run, Mount Pleasant, and Glendower Planning Areas; and the implementation of a Sewage Management Program for the Glen Carbon and Airport Planning Areas. The sewer system will connect with Foster Township's existing pump station/force main located on Route 901. Foster Township's Sewer System will connect with the Schuylkill County Municipal Authority's (SCMA) Sewer System. The wastewater will be treated at the SCMA's Wastewater Treatment Plant, located in the Borough of Gordon.

The Department's review of the Plan has not identified any significant environmental impacts resulting from the proposals. In accordance with the Pennsylvania Sewage Facilities Act and 25 Pa. Code Chapter 71, the Department will hold Foster Township responsible for the complete and timely implementation of the chosen alternative.

Butler Township, Cass Township and Foster Township, Schuylkill County

The Department has completed its review of a plan titled, "Act 537 Plan Update Revision for the Borough of Gordon and Sections of Butler, Cass and Foster Townships, Schuylkill County, Pennsylvania." The Plan was prepared by the Schuylkill County Municipal Authority (SCMA) for Butler, Cass and Foster Townships. The Department has found that the Plan is now acceptable and hereby grants planning approval.

The Planning Area consists of:

- The SCMA's interceptor (that receives wastewater from sections of Butler Township, Cass Township and Foster Township)/Wastewater Treatment Plant (WWTP), located in the Borough of Gordon, and
- Sections of Butler Township, Cass Township and Foster Township. These sections include the areas that are tributary to: the SCMA's interceptor/pump stations/force mains and Foster Township's pump station/force main that conveys/will convey wastewater from the Commonwealth Environmental Systems Landfill and Foster Township to SCMA's treatment plant.

The Plan was written to study what sewer system/WWTP upgrades need to be done to meet the needs of the areas served by the SCMA's interceptor and treatment plant.

The Plan includes the following:

- Upgrades to the sewer system connecting the SCMA's Pumping Station A, located at Rt. 901 and the Schuylkill Highridge Business Park (SHBP), with the SCMA's WWTP, and
- Expansion of the SCMA's WWTP

The SHBP is located in Butler Township, Cass Township and Foster Township. No changes will be made to the SCMA's interceptor, located within the Borough of Gordon.

The Department's review of the Plan has not identified any significant environmental impacts resulting from the proposals. In accordance with the Pennsylvania Sewage Facilities Act, 25 Pa. Code Chapter 71, the Department will hold the SCMA responsible for the complete and timely implementation of the chosen alternative.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Permit No. 1897502/Innovative Technology/Operational. The Department issued an operation permit to **Crawford Township Authority**, R. R. 2, Box 388, Crawford Township, **Clinton County**. This permit authorizes operation of an Environmental Products Division (EPD) pressure sand filtration plant, storage tanks for finished water, backwash water and raw water, and an intake on Rauchtown Creek.

Permit No. Emergency Permit. The Department previously issued an emergency permit for **Galeton Borough Authority**, P. O. Box 222, Galeton, PA 16922, Galeton Borough, **Potter County**, for emergency use of Wetmore Well No. 1.

Permit No. 4146363. The Department issued an operating permit to **Harmony Brook, dba Culligan Store Solutions**, 1030 Lone Oak Road, Suite 110, Eagan, MN 55121-2251. To operate eight water vending machines within the Northcentral Region under special permit-by-rule.

Permit No. Minor Amendment. The Department issued a construction permit to **United Water Pennsylvania**, 4211 East Park Circle, Harrisburg, PA 17111, Town of Bloomsburg, **Columbia County**. This permit amendment authorizes installation of a powdered activated carbon feed system for taste and odor control at the Bloomsburg Irondale Filtration Plant.

Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. 6399504. Public water supply. **Pennsylvania American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317. *Type of Facility:* Franklin Manor Booster Station. *Permit for Operation Issued:* September 14, 1999.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA, (814) 332-6899.

Permit No. 2599503. Public water supply. **Lakeview Estate Personal Care Home**, 12430 East Lake Road, North East, PA 16428, has been issued a permit for a potable water supply in North East Township, **Erie County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Carol A. Stevens, P.E., 57 Cala Lane, Alum Creek, WV 25003. *Permit to Construct Issued:* September 23, 1999.

Permit No. 1099503. Public water supply. **The Municipal Water Authority of Adams Township**, 170 Hutchman Road, Mars, PA 16046, has been issued a permit for the interconnection with West View Water Authority's water system and for installation of distribution lines along Warrendale Road, Route 228, Brickyard Road and the proposed John Quincy Adams Estates subdivision in Adams Township, **Butler County**. *Type of Facility:* Community Water Supply. *Consulting Engineering:* Donald H. Warnick, Gray Warnick Engineer Corp., 662 West New Castle Road, Suite 101, Butler, PA 16001. *Permit to Construct Issued:* September 23, 1999.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Five Tower Bridge, Conshohocken Borough, **Montgomery County**. James M. Connor, P.G., Dames & Moore, 2325 Maryland Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated

with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

CHQ Reproductions, Warminster Township, **Bucks County**. Louis F. Vittorio, Jr., P.G., EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Ford Electronics & Refrigeration Corp., Lansdale Borough, **Montgomery County**. Angela K. Gershman, ARCADIS Geraghty & Miller, Inc., 3000 Cabot Blvd., Suite 3004, Langhorne, PA 19047, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals and solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

Madonna Management Property, Bensalem Township, **Bucks County**. Thomas J. Brady, IV, RT Environmental Services, Inc., Suite 306, Pureland Complex, 510 Heron Drive, Bridgeport, NJ 08014, has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Nicholas Cianci/Greenville Outparcels, LLC, 70 Hadley Road, Greenville, PA 16125, Hempfield Township, **Mercer County**, has submitted a Final Report concerning the remediation of soil and groundwater contaminated with BTEX and PHCs. The report intended to document remediation of the site to meet the Statewide health standard. A summary of the final report was published in the *Greenville Record Argus* on July 16, 1999.

SOLID AND HAZARDOUS WASTE HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a mixed hazardous and radioactive waste storage facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA 0890090004. Bettis Atomic Power Laboratory. Operation of a mixed hazardous and radioactive waste storage facility located in West Mifflin Borough, **Allegheny County**. The application for a permit modification to store mixed waste and additional types of hazardous waste was considered for intent to approve by the Regional Office on September 30, 1999.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 301324. Superior Used Tire, Inc., 450 Industrial Boulevard, New Kensington, PA 15068. Operation of a waste tire processing facility in the City of New Kensington/City of Lower Burrell, **Westmoreland County**. Permit issued in the Regional Office on September 22, 1999.

Applications withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Northeast Regional Office: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Permit I. D. No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A major permit modification for the addition of 26.4 acres adjacent to this municipal waste landfill, located in Williams Township, **Northampton County**, for use as a soil borrow area and other support facilities. The Regional Office received a request to withdraw this application on September 13, 1999; and on September 20, 1999, the application was returned to the applicant.

Applications denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

A. 101539. Dauphin Meadows Landfill, Dauphin Meadows, Inc. (P. O. Box 68, Route 209, Millersburg, PA 17061). Application for western expansion for a site in Upper Paxton and Washington Townships, **Dauphin County**. The Department determined that the cumulative effects of the known and potential environmental harms of the proposed expansion outweigh the presented benefits. Application denied in the Regional Office August 17, 1999.

**AIR QUALITY
OPERATING PERMITS**

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate

air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-03084: Lancaster Aluminum Co., Inc. (Ten Wynfield Drive, Lititz, PA 17543), on September 22, 1999, for operation of a secondary aluminum production facility in Warwick Township, **Lancaster County**.

38-318-015B: Alcoa, Inc. (3000 State Drive, Lebanon, PA 17042), on September 22, 1999, for operation of an aluminum coil/foil coating line controlled by a catalytic incinerator in South Lebanon Township, **Lebanon County**.

67-02001A: J. E. Baker Co. (P. O. Box 1189, York, PA 17405-1189), on September 22, 1999, for operation of a refractory production facility at 222 East Market Street in West Manchester Township, **York County**.

67-310-006D: York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405), on September 24, 1999, for operation of a stone crushing plant controlled by baghouses at the Lincoln Stone Quarry in Jackson Township, **York County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.

V95-085: Episcopal Hospital (100 East Lehigh Avenue, Philadelphia, PA 19104), issued a Title V Operating Permit for operation of a medical waste incinerator controlled by a scrubber, two 475 HP boilers, a 100 HP heat recovery boiler and four emergency generators in the City of Philadelphia, **Philadelphia County**.

V96-022: University of Pennsylvania Health System, Presbyterian Medical Center (51 North 39th Street, Philadelphia, PA 19104), issued a Title V Operating Permit for operation of a not-for-profit hospital which includes two 400 HP boilers, a 200 HP boiler, an infectious waste incinerator that burns 0, 1, 2, 3 and 4 wastes at 750 lbs/hr, a 150 HP heat recovery boiler and four emergency generators in the City of Philadelphia, **Philadelphia County**. The facility's air emissions control device is a scrubber for the incinerator.

V95-065: Albert Einstein Medical Center (5501 Old York Road, Philadelphia, PA 19104), issued a synthetic minor operating permit for operation of a medical waste incinerator controlled by a scrubber, a 900 HP boiler, three 300 HP boilers, a 10.5 MMBTU/hr co-gen unit, a 1225 kW peak-shaving generator and six emergency generators in City of Philadelphia, **Philadelphia County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-03106: Behringer Saws, Inc. (721 Hemlock Road, Morgantown, PA 19543), on September 24, 1999, for construction of a paint spray booth at the Morgantown Plant in Caernarvon Township, **Berks County**.

06-301-095A: Joseph D. Giles Funeral Home, Inc. (21 Chestnut Street, Mohnton, PA 19540-1925), on September 22, 1999, for construction of a crematory at 21 Chestnut Street in Mohnton Borough, **Berks County**.

67-03054A: York Mold, Inc. (3865 North George Street, Manchester, PA 17345), on September 24, 1999, for modification of a battery terminal manufacturing plant in East Manchester Township, **York County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-65-788H: Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666), on September 13, 1999, for operation of FD frit seal oven at Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

PA-65-706A: Jeannette Specialty Glass (P. O. Box 99, North Fourth Street, Jeannette, PA 15644), on September 13, 1999, for operation of continuous glass melting tank at Jeannette Shade & Novelty in Jeannette, **Westmoreland County**.

PA-30-087A: Cyprus Emerald Resources Corp. (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370), on September 13, 1999, for operation of coal preparation plant at the Emerald Mine Prep Plant in Franklin Township, **Greene County**.

PA-04-468C: SH Bell Co. (644 Alpha Drive, P. O. Box 11495, Pittsburgh, PA 15238), on May 4, 1999, for operation of loadout shed at East Liverpool Terminal in Ohioville Borough, **Beaver County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-09-0005: 3M Co. (2201 Green Lane, Bristol, PA 19007), on September 16, 1999, for operation of an adhesive formulation process in Bristol Township, **Bucks County**.

46-322-007: Waste Management Disposal Services of PA (1425 Sell Road, Pottstown, PA 19464), on September 16, 1999, for operation of a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

46-313-117D: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486), on September 26, 1999, for operation of a catalytic oxidizer in Upper Gwynedd Township, **Montgomery County**.

23-313-041A: Sunoco, Inc. (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061), on September 26, 1999, for operation of organic chemical production in Marcus Hook Borough, **Delaware County**.

PA-46-0036: Ford Electronics & Refrigeration LLC (2750 Morris Road, Lansdale, PA 19446), on September 27, 1999, for operation of selective soldering machine no. 6 in Worcester Township, **Montgomery County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

21-323-014A: L. B. Smith, Inc. (2001 State Road, Camp Hill, PA 17011), on September 13, 1999, to authorize temporary operation of chrome plating tanks con-

trolled by a fume suppressant and three-stage mist eliminator, covered under this Plan Approval until January 10, 2000, in Lower Allen Township, **Cumberland County**. This source is subject to 40 CFR Part 63, Subpart N of the National Emission Standards for Hazardous Air Pollutants.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

26-305-034: Matt Canestrone Contracting, Inc. (P. O. Box 234, Belle Vernon, PA 15012), on September 13, 1999, for installation of loading/unloading/stockpiling at LaBelle Site in Luzerne Township, **Fayette County**.

PA-65-093A: Hyde Park Foundry (Railroad Street, P. O. Box 187, Hyde Park, PA 15641), on September 13, 1999, for operation of magnesium inoculation in Hyde Park Borough, **Westmoreland County**.

PA-04-033A: Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061), on September 13, 1999, for operation of D2 liquid lube dylite process at the Beaver Valley Plant in Pottery Township, **Beaver County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Permits Issued

56663112. Permit Renewal for Reclamation only, **Reimer, Inc.** (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), for continued restoration of bituminous-auger strip mine in Stoneycreek Township, **Somerset County**, affecting 431.3 acres, receiving stream to unnamed tributary of/and to Boone Run; and to Clear Run. Application received July 1, 1999; issued September 22, 1999.

07890101. Permit Renewal, **Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), for continued restoration of bituminous strip mine in Logan Township, **Blair County**, affecting 112.0 acres, receiving stream an unnamed tributary to Kittanning Run and an unnamed tributary to Little Laurel Run. Application received July 14, 1999; issued September 22, 1999.

56890105. Permit Renewal for reclamation only, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), for continued restoration of bituminous strip mine in Shade Township, **Somerset County**, affecting 245.0 acres, receiving stream Coal Run, Little Dark Shade Creek, unnamed tributary to Clear Run. Application received July 1, 1999; issued September 22, 1999.

56880109. Permit Revision, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), for the purpose of reconstructing two stream channels and a request for a stream variance for the purpose of constructing a haul road stream crossing in Brothersvalley Township, **Somerset County**, affecting 154.2 acres, receiving stream unnamed tributaries of Bluelick Creek and Bluelick Creek. Application received July 30, 1999; issued September 22, 1999.

32950101. Permit renewal for reclamation only, **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), for continued restoration of a bituminous-auger strip mine in Brushvalley Township, **Indiana County**, affecting 183.5 acres, receiving stream Blacklick Creek. Application received September 10, 1999; issued September 22, 1999.

32940105. Permit renewal for reclamation only, **Kent Coal Mining Company** (P. O. Box 219, Shelocta, PA 15774), for continued restoration of a bituminous-auger-beneficial use of ash strip mine in Center Township, **Indiana County**, affecting 180.0 acres, receiving stream unnamed tributary to Yellow Creek. Application received September 10, 1999; issued September 22, 1999.

56813011. Permit Renewal for reclamation only, **Zubek, Inc.** (173 House Coal Road, Berlin, PA 15530), for continued restoration of a bituminous strip mine in Stonycreek Township, **Somerset County**, affecting 73.6 acres, receiving stream Reitz Creek. Application received September 13, 1999; issued September 22, 1999.

11940106. Permit Renewal, **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), for continued operation and restoration of bituminous strip mine in White Township, **Cambria County**, affecting 142.4 acres, receiving stream unnamed tributaries to Dutch Run and Dutch Run to Beaver Dam Run to Clearfield Creek. Application received July 27, 1999; issued September 22, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17980117. **Junior Coal Contracting, Inc.** (R. R. 3, Box 225-A, Philipsburg, PA 16866), commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County**, affecting 75.6 acres. Receiving streams: Laurel Run and Little Laurel Run to Laurel Run, Laurel Run to Moshannon Creek; Moshannon Creek to West Branch Susquehanna River. Application received July 27, 1998. Permit issued September 10, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54930102RC7. **Harriman Coal Corporation** (978 Gap Street, Valley View, PA 17983), renewal and correction of an existing anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 460.0 acres, receiving stream—East Branch Rausch Creek. Correction issued September 20, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Coal Applications Withdrawn

17980108. **Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701), commencement, operation and restoration of a bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 154 acres. Receiving streams: North Witmer Run, Holes Run, Davidson Run. Application received April 15, 1998. Application withdrawn September 23, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E23-383. Encroachment. **Sun Pipe Line Company**, Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699. To install and maintain two 24-inch petroleum pipelines across Exceptional Value (EV) Palustrine open water/emergent mixed wetlands. This work is associated with the Terminal One Expansion Project at the Philadelphia International Airport. Wetland disturbance will be avoided by utilizing the directional drilling techniques. The project is located just north of the Philadelphia International Airport, between SEPTA High Speed Line Right-of-way and Ramp A which connects Industrial Highway (S. R. 0291) to Interstate 95 (Lansdowne, PA USGS Quadrangle N: 0.05 inch, W: 0.7 inch) in Tinicum Township, **Delaware County**.

E15-611. Encroachment. **Warwick Township**, 2500 Ridge Road, Elverson, PA 19520 and **East Nantmeal Township**, 3383 Conestoga Road, Glenmoore, PA 19343. To remove an existing bridge, and to construct and maintain a bridge with a clear span of 25 feet and an underclearance of 3 feet 10 inches across the South Branch of French Creek (EV, TSF). This project is located along James Mill Road, approximately 3,100 feet north of its intersection with Nantmeal Road (Elverson, PA Quadrangle N: 4.25 inches; W: 0.45 inch) in East Nantmeal and Warwick Township, **Chester County**.

E15-578. Encroachment. **352 Associates**, 50 Exeter Avenue, Haverford, PA 19041. To perform the following activities associated with the proposed MKS Shopping Center: 1. To construct and maintain a 6-inch sanitary sewer line across an unnamed tributary to Valley Creek (EV). 2. The placement and maintenance of a stormwater outfall structure (EW No. 1) along the 100-year floodway of an unnamed tributary of Valley Creek (EV). 3. To place and maintain fill in 0.08 acre of wetland (PEM) for the construction of subterranean stormwater management and parking facility associated with the proposed food market. The project is located immediately north of intersection of Sproul Road (S. R. 0352) and Lincoln Highway (S. R. 0030), (Malvern, PA Quadrangle, N: 6.9-inch; W: 8.40-inch) in East Whiteland Township, **Chester County**. The applicant has met the regulatory requirements for wetland replacement by providing a monetary contribution to the Pennsylvania Wetland Replacement Fund.

E15-609. Encroachment. **Eastern Shore Natural Gas**, 350 South Queen Street, Dover, DE 19901. To construct, operate and maintain approximately 4.7 miles of 16-inch natural gas line which will require six crossings of two tributaries of the West Branch of White Clay Creek (TSF-MF) and four crossings of a tributary to the East Branch of Big Elk Creek (HQ-TSF-MR) and adjacent wetlands. Total impact to the wetland will be 1.39 acres. The proposed pipeline will be situated within an existing 35-foot wide Eastern Shore Natural Gas Company (ESNG) pipeline easement located between the Dalesville Compressor Station and the northern side of State Road (beginning at Oxford, PA Quadrangle N: 19.2 inches; W: 1.9 inches and ending West Grove, PA Quadrangle N: 9.2 inches; W: 15.4 inches) in Londonderry and Penn Townships, **Chester County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-366. Encroachment. **The Residuary Trust of Andrew Yastishok**, 6500 Chapmans Road, Allentown, PA 18106. To construct and maintain a 36-inch R.C.P. stormwater outfall structure along the left bank of Little Lehigh Creek. The project, associated with the Harvest Fields Residential Subdivision, is located south of S. R. 2012 approximately 0.2 mile west of its intersection with S. R. 2017 (Allentown West, PA Quadrangle N: 8.3 inches; W: 7.8 inches) in Lower Macungie Township, **Lehigh County**.

E48-271. Encroachment. **Hercules Cement Company**, 501 Center Street, Stockertown, PA 18083-0609. To construct and maintain an 18-inch C.M.P. stormwater outfall structure and associated energy dissipater along the eastern streambank of Bushkill Creek and to maintain an existing limestone rock retaining berm in the 100-year floodway to control sediment laden runoff from an existing cement kiln dust (CKD) pile. The project is located northwest of the intersection of S. R. 0033 and S. R. 0191 (Wind Gap, PA Quadrangle N: 1.0 inch; W: 3.5 inches) in Stockertown Borough and Upper Nazareth Township, **Northampton County**.

E54-267. Encroachment. **Pine Grove Township**, R. R. 4, Box 260-A, Pine Grove, PA 17963. To remove the existing structure and to construct and maintain a road crossing of Swope Valley Run, consisting of twin 14.0 foot x 5.0 foot precast concrete box culverts with their inverts depressed 1.0 foot below streambed elevation. The project is located along T-649 (Swope Valley Road), approximately 0.3 mile southwest of the intersection of T-649 and S. R.

0645 (Pine Grove, PA Quadrangle N: 3.8 inches; W: 2.3 inches), in Pine Grove Township, **Schuylkill County**.

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E01-202. Encroachment. **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325. To construct and maintain a 16-inch diameter water transmission main along Pumping Station Road and Long Lane. The new main will cross four waterways: (1) Willoughby Run (WWF) west of Black Horse Tavern Road, north of Millerstown Road (2) Stevens Run (WWF) west of Emmittsburg Road and Long Lane (3) unnamed tributary no. 1 to Willoughby Run (WWF) east of West Confederate Avenue and (4) unnamed tributary No. 2 to Willoughby Run (WWF) east of crossing No. 3. Crossings will be located in Gettysburg Borough and Cumberland Township, **Adams County**. The project will pass through the Gettysburg National Military Park. Western end of project located at (Fairfield, PA Quadrangle N: 8.5 inches; W: 3.5 inches) and eastern end of project is located at (Gettysburg, PA Quadrangle N: 14.25 inches; W: 15 inches). This permit also includes 401 Water Quality Certification.

E06-523. Encroachment. **Berks County Commissioners**, 633 Court St., Reading, PA 19601. To remove an existing structure and to construct and maintain a bridge having a clear span of 46.5 feet and an underclearance of 9 feet, to construct a temporary road crossing and to fill 0.04 acre of wetlands across the channel of Kershner Creek (WWF) at a point at Woodland Road (T-759) (Hamburg, PA Quadrangle N: 7.75 inches; W: 13.6 inches) for the purpose of replacing a structurally deficient bridge in Windsor Township, **Berks County**. The amount of wetland impact is considered a de minimis impact of 0.04 acre and wetland mitigation is not required. This permit also includes 401 Water Quality Certification.

E06-524. Encroachment. **Womelsdorf Sewer Authority**, R. R. 2 Box 22, Womelsdorf, PA 19567. To construct and maintain a 6-inch waterline across the channel of a tributary to Tulpehocken Creek (WWF) at a point immediately upstream of its mouth (Womelsdorf, PA Quadrangle N: 22.25 inches; W: 8.4 inches) in Heidelberg Township, **Berks County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E07-313. Encroachment. **Blair Senior Services, Inc.**, 1320 12th Street, Altoona, PA 16601. To place fill in 0.11 acre of wetlands for the purpose of constructing an 8,000 square foot Tyrone Senior Center and associated vehicle parking area located along the south side of 3rd Street about 700 feet north of its intersection with Washington Avenue (Tipton, PA Quadrangle N: 7.4 inches; W: (0.65 inch) in the Borough of Tyrone, **Blair County**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. This permit also includes 401 Water Quality Certification.

E22-394. Encroachment. **Dermody Properties**, David Loring, 1200 Financial Blvd, Reno, NV 89502. To place fill in 0.36 acre of wetlands and 0.69 acre of open water to construct a warehouse distribution center along a tributary to Beaver Creek at a point west of the Route 81/Route 39 Intersection (Hershey, PA Quadrangle N: 18.5 inches; W: 15.8 inches) in West Hanover Township, **Dauphin County**. The permittee will provide a mini-

mum of 0.36 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E28-256. Encroachment. **Greenridge Farms, Inc.**, 11144 Old Forge Road, Waynesboro, PA 17268. To remove the existing structure and to construct and maintain twin 48-inch diameter reinforced concrete pipe (RCP) culverts by 60 feet in the channel of an unnamed tributary to East Branch Antietam Creek (locally called Bailey Run) (CWF) to widen the roadway width of Pineridge Drive for a development called Woodcrest Development, Section F-1 located about 0.9 mile southwest of Glen Forney Village (Waynesboro, PA Quadrangle N: 1.7 inches; W: 1.4 inches) in Washington Township, **Franklin County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E38-126. Encroachment. **TEPPCO**, Hwy. 136 W, Greensburg, PA 15601. To construct and maintain 8 inches of rock riprap over 50 feet of exposed pipeline and along the stream banks. The purpose of the project is to provide protective cover over approximately 50 feet of exposed section of a 6 inch petroleum products pipeline (Line A-3) across Snitz Creek (TSF) located about 250 feet downstream of Tice Lane (Lebanon, PA Quadrangle N: 5.9 inches; W: 4.0 inches) in Cornwall Borough, **Lebanon County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E67-659. Encroachment. **PA Dept. of Transportation**, John Rautzahn, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a double span bridge with each span being 84 feet (normal) with a minimum underclearance of 21.8 feet on SR 3065, Section 002, Segment 0010, Offset 0069 (North George Street) over Codorus Creek (York, PA Quadrangle N: 17.4 inches; W: 14.3 inches) in the City of York, **York County**. This permit also includes 401 Water Quality Certification.

Northcentral Region: Water Management, Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E18-272. Encroachment. **PA Department of Conservation and Natural Resources**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a single span concrete box beam bridge with a total clear span of 32 feet, skew of 49 degrees, and a minimum underclearance of 3.7 feet across Gottshall Run located on Gottshall Road approximately 700 feet west of Route 880 (Carroll, PA Quadrangle N: 17.8 inches; W: 16.7 inches) in Crawford Township, **Clinton County**. This permit also authorizes a temporary stream crossing for construction vehicles only. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-194. Encroachment. **Franklin Township Supervisors**, 277 Long Woods Road, Catawissa, PA 17820-9627. To 1) construct endwall/wingwalls for two existing 30-inch culverts and maintain the two improved 30-inch corrugated metal pipe stream crossings; 2) construct and maintain eight 10 feet by 6 foot by 1 foot cross-drain R-4 outfalls; 3) resurface with crushed limestone and maintain 3,610 linear feet of an existing dirt road in the floodplain of an unnamed tributary of Roaring Creek, all of which are located on the northern most 3,610 feet of T-308 (Danville, PA Quadrangle between N: 2.6 inches; W: 3.72 inches and N: 3.6 inches; W: 2.70 inches) in Franklin Township, **Columbia County**. This permit was issued

under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-296. Encroachment. **McGrew Welding Company, Inc.**, P. O. Box 87, Donora, PA 15033. To amend Permit No. E63-296 to construct and maintain a 1,244.0-foot long by 104.0-foot long (max.) barge mooring facility in the channel of and along the left bank of the Monongahela River, to construct and maintain a conveyor on the left bank of the stream and to perform periodic maintenance dredging for the purpose of expanding the existing facility. The facility is located at River Mile 38.15 (Donora, PA Quadrangle N: 6.95 inches; W: 15.80 inches) in Carroll Township, **Washington County**.

Permits Issued and Actions on 401 Certification

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-299. Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing Harmony Bridge and to construct and maintain a composite steel girder bridge having a clear, normal span of 115 feet and a minimum underclearance of 15.5 feet across Connoquenessing Creek on Mercer Road (T-335) approximately 4,000 feet south of S. R. 19 (Evans City, PA Quadrangle N: 9.8 inches; W: 17.2 inches) located in Harmony Borough and Jackson Township, **Butler County**.

E25-590. Encroachment. **PA Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. To construct and maintain the following improvements at the Elk Creek Access along Lake Erie at the mouth of Elk Creek (Fairview, PA Quadrangle N: 4.25 inches; W: 16.4 inches) located at Girard Township, **Erie County**. 1. A 20-foot-wide by 1,450-foot-long, 8-inch-thick gravel roadway in the 100-year floodplain of Elk Creek. 2. An 80-foot-long by 60-foot-wide parking lot within the 100-year floodplain of Elk Creek. 3. Five 48-inch-diameter plastic pipe culverts with rock riprap armor in a lagoon on the gravel roadway. 4. A 36-foot-long by 10-foot-wide gabion basket pier with concrete cap along the shore of Lake Erie at the mouth of Elk Creek.

E33-198. Encroachment. **Jefferson County Commissioners**, 155 Main Street, Jefferson Place, Brookville, PA 16825. To remove the existing County Bridge No. JC-6 (Windfall Bridge) and to realign approximately 150 feet of the channel of Big Run extending upstream from the bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 80 feet and an underclearance of 7 feet on a 58 degree skew across Big Run on T-528 approximately 0.1 mile east of T-524 (Punxsutawney, PA Quadrangle N: 19.3 inches; W: 1.4 inches) located in Henderson Township, **Jefferson County**.

E62-349. Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. To remove the existing two-span bridge, excavate along a total of approximately 300 feet of the left bank to 6 inches above normal water level beginning approximately 100 feet upstream of the bridge and extending downstream and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear, normal span of 75 feet and an underclearance of 9 feet across the main channel of Little Brokenstraw Creek on S. R. 0958, Segment 0010, Offset 1222 (Lottsville, PA-NY Quadrangle N: 5.45 inches; W: 7.0 inches). To

remove the existing bridge and to install and maintain a precast reinforced concrete box culvert having a clear, normal span of 20 feet and an underclearance of 6.5 feet in a high flow channel of Little Brokenstraw Creek on S. R. 0958, Segment 0020, Offset 0000 (Lottsville, PA-NY Quadrangle N: 5.7 inches; W: 7.0 inches) located in Freehold Township, **Warren County**. This project will impact a de minimis (0.02 acre total) amount of three wetland areas adjacent to Little Brokenstraw Creek and high flow channel associated with excavation and roadway widening.

SPECIAL NOTICES

Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the require-

ments of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown as follows, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over-control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
American National Can Company County: Lehigh, PA Nonattainment status: Moderate Contact Person: R. M. Rivetna (312) 399-3392	VOCs	166.7	11/06/2002	Trading
National Fuel Gas Supply Corp. Knox Compressor Station County: Jefferson, PA Nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx	145.7	06/30/2002	Internal Use
National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx	103.3	12/28/2002	Internal Use
U. S. Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact Person: Mark Donato (215) 897-1809	NOx	30.5	3/31/2005	Trading
United States Steel Group County: Bucks Nonattainment Status: Severe Contact Person: Nancy Hirko (412) 433-5914	NOx VOC	1101.7 18.1	8/01/2001	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Lord Corporation Source: Two coal fired boilers County: Erie Ozone nonattainment status: Moderate Contact Person: Robert E. Nipper (814) 868-0924	NOx	9.5	12/20/2004	Trading
Julian B. Slevin, Inc. Recipient/Holder: Ronald W. Lockhart Sandra S. Lockhart Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Seth Cooley (215) 979-1838	VOCs	85.22	12/20/2005	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York (717) 293-2056	VOCs	33.0		Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact Person: Robert Wallace (215) 632-2300	VOCs	323.0	ERCs will be proportionally reduced to comply with MACT standards for rotogravure and flexographic facilities.	Trading
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact Person: Tim McKenzie (814) 533-8670	NOx VOCs	452.0 3.0	1/18/2001	Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact Person: Robert Trbovich (412) 983-6161	VOCs	10.7	11/30/2002	Trading
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Donald R. Schneider (412) 652-5531	NOx	214.0	4/02/2003	Trading
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact Person: William E. Knight (717) 355-4903	NOx VOCs	4.0 78.0	1/22/2003	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne (717) 765-0746	VOCs	20.0	10/1/2004	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact Person: Michael West (717) 742-6639	NOx VOCs	24.45 12.88	4/1/2006	Trading
3M Minnesota Mining & Manufacturing Source Name: 1E Coater Source Name: 2E Coater Source Name: 3E Coater Source Name: 4E Coater Source Name: 5E Coater Source Name: 3W Coater Source Name: 4W Coater Plant Location: Bristol, Bucks Ozone nonattainment status: Severe Contact Person: Jeff Muffat (651) 778-4450	VOCs VOCs VOCs VOCs VOCs VOCs VOCs	0.10 0.25 44.80 0.10 17.90 303.65 275.10	5/02/2001 5/06/2001 4/18/2001 4/16/2001 10/18/2001 5/13/2001	Trading
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone nonattainment status: Moderate Contact Person: John M. Arnold (717) 939-0466	VOCs	18.36	1/1/2003	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone nonattainment status: Moderate Contact Person: Martin Mueller (412) 762-5263	VOCs	41.7	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone nonattainment status: Moderate Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone nonattainment status: Moderate Contact Person: Garen Macdonald (717) 771-7346	VOCs VOCs	12.2 2.7	06/01/2006 10/01/2005	Trading
Pennzoil Products Company Source Location: Rouseville County: Venango Ozone nonattainment status: Moderate Contact Person: Lee E. Wilson (814) 678-4649	NOx	31.6	04/15/2002	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone nonattainment status: Moderate Contact Person: LeRoy H. Hinkle (610) 916-4248	NOx	9.42	11/22/2005	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Avery Dennison Corporation Fasson Roll North America Source Location: Quakertown County: Bucks Ozone nonattainment status: Severe Contact Person: Roy R. Getz (215) 538-6271	VOCs	219.53		Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact Person: D. David Hancock, Jr. (215) 777-7811	VOCs	18.0	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone nonattainment status: Moderate Contact Person: Tim Bergerstock (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Robert G. Rucker (610) 485-8900	VOCs NOx	0.9 5.2		Trading
CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone nonattainment status: Moderate Contact Person: Sean R. Sleight (304) 623-8462	NOx VOCs	39.28 0.55	10/27/2004	Internal use and trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone nonattainment status: Moderate Contact Person: R. J. Koch (610) 694-2307	NOx VOCs	963.0 21.0	Varies from 11/18/2005 to 3/3/2007	Trading
Morgan Adhesives Company (MACtac) Source Location: Scranton County: Lackawanna Ozone nonattainment status: Moderate Contact Person: Tim Owens (330) 688-1111	VOCs	75	6/30/2008	Trading
Pennsylvania Electric Company (Penelec) Source Location: Front St. Station County: Erie Ozone nonattainment status: Moderate Contact Person: Tim McKenzie (814) 533-8670	NOx	1477.9	1/18/2001	Trading
Armstrong World Industries, Inc. Source: No. 1 Rotogravure Printing Line County: Lancaster Ozone nonattainment status: Moderate Contact Person: Jack Headley (717) 396-2031	VOCs	41.1	10/1/2007	Trading
Crown Cork & Seal Co. Inc. Source: Sheet Coating and Decorating Lines Ozone nonattainment status: Severe Contact Person: Robert G. Vatistas (215) 698-5308	VOCs NOx	286.5 10.1	Varies from 1/11/2002 to 2/27/2008	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
SUPERPAC, Inc. Source Location: Southampton County: Bucks Ozone nonattainment status: Severe Contact Person: Robert Stull (215) 322-1010	VOCs	26.91	Varies from 3/29/2001 to 9/30/2003	Trading
ICI Paints North America Source Location: Reading, Glidden Plant County: Berks Ozone nonattainment status: Moderate Contact Person: Bruce F. Maco (610) 376-8320	VOCs	35.0	12/18/2005	Trading
Meritor Heavy Vehicle Systems LLC Source Location: New Castle County: Lawrence Ozone nonattainment status: Moderate Contact Person: Harry Klodowski (412) 281-7997	NOx VOCs	64.2 13.4	5/31/2003	Trading
National Fuel Gas Supply Corporation Sources: Generators, #1 Source Location: Ellisburg Station County: Potter Ozone nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx VOCs CO	16.14 1.95 13.85	2/1/2009	Internal Use

Quarterly Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

ERC Generating Facility Information

ERC Generating Facility Name: Cabinet Industries, Inc.
Location of Source: Water Street Plant, Montour County, PA
Certified ERCs (tpy): 28.45 tons per year of VOCs
Amount of ERCs traded to Purchaser/Recipient: 28.45 tpy of VOCs
Date of ERCs Transfer: July 20, 1999
ERCs available for future use: 0

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Wood Mode Incorporated
Location of Source: Kreamer, Snyder County, PA
VOCs credits used: 0
VOCs credits available for future use: 28.45 tpy

[Pa.B. Doc. No. 99-1715. Filed for public inspection October 8, 1999, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (www.dep.state.pa.us) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final

documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Guidance

DEP ID: 562-4000-101 Title: Water Supply Replacement and Compliance Description: This guidance provides direction to District Mining staff by establishing the

procedures to be followed for replacing water supplies that are adversely affected by surface mining or by underground bituminous coal mining activities. Effective Date: October 18, 1999 Contact: Evan Shuster at (717) 787-5103.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1716. Filed for public inspection October 8, 1999, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced as follows have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or person, or any firms, corporations or partnerships in which the person or firm has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Stiteler Builders, Inc. -and- James Stiteler, individually	1119 Sandstone Road Greensburg, PA 15601	September 10, 1999

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 99-1717. Filed for public inspection October 8, 1999, 9:00 a.m.]

Pennsylvania Conservation Corps; Grants for Projects

Grants for projects related to conservation, recreation, historical preservation, graffiti removal and the repair of institutional vandalism will be available under the Pennsylvania Conservation Corps (PCC) program.

Agencies eligible to apply for PCC projects are:

- The Departments of Labor and Industry, Conservation and Natural Resources, Public Welfare, Corrections, Military and Veterans Affairs, Aging, Education, and Community and Economic Development
- The Pennsylvania Game, Fish and Boat, and Historical and Museum Commissions

- The Pennsylvania Emergency Management Agency
- Local political subdivisions (municipalities and school districts)
- Nonprofit agencies in cities of the first class (for projects involving the removal of graffiti and the repair of institutional vandalism only)

The PCC program is designed to provide work experience and educational opportunities to unemployed young adults as they undertake needed projects on Pennsylvania's public lands. Funds available through the program may be used to purchase approved construction materials and contracted services (political subdivisions must provide a 25% cash match). The wages of corps members and crewleaders are paid directly by the Department of Labor and Industry.

Applications for PCC projects will be accepted from political subdivisions and eligible nonprofits through Friday, January 7, 2000. State agency applications will be accepted through Friday, February 4, 2000.

For more information, or to obtain an application and procedures manual, contact the Pennsylvania Conservation Corps, 1304 Labor & Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 783-6385. E-mail inquiries may be directed to pcc@dli.state.pa.us.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 99-1718. Filed for public inspection October 8, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Office of Medical Assistance Programs; Fee Increase of Selected Outpatient Services

The General Appropriations Act of 1999 (Act No. 1-A) provided funds to increase fees for services rendered by outpatient psychiatric clinics, outpatient partial hospitalization programs and outpatient drug and alcohol clinics. Notification of the increased fees was previously published in the *Pennsylvania Bulletin* on June 26, 1999, as well as in Medical Assistance (MA) Bulletin 28-99-03, 29-99-02, and 33-99-01. However, the Department inadvertently omitted two services and their fees and listed the incorrect fee for one of the services.

By this notice, the Department of Public Welfare announces the correction and/or addition of the following outpatient services and fees to the list previously published in the June 26, 1999 issue of the *Pennsylvania Bulletin*, and in MA Bulletin 28-99-03. The effective date for the additions and/or corrections is July 1, 1999. The codes reflected below are either in addition to, or a revision of, the codes covered by the previous notice and MA Bulletin.

Outpatient Drug and Alcohol Clinic Services

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Description of the Procedure</i>	<i>New Fee</i>
W0149	AF	Psychotherapy (Indiv. and Family) after initial 1/2 hour session (qtr. hour increments)	\$13

Outpatient Psychiatric Clinic Services

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Description of the Procedure</i>	<i>New Fee</i>
W0148	70	Psychotherapy (Indiv. and Family) after initial 1/2 hour session (qtr. hour increments)	\$13

Psychiatric Partial Hospitalization Services

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Description of the Procedure</i>	<i>New Fee</i>
W0864	AH	Licensed Children's Partial Hosp. program; adult, per hour	\$14

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-218. No fiscal impact; (8) recommends adoption. The cost of these additions and corrections has been budgeted for and can be absorbed by the Medical Assistance—Outpatient appropriation.

[Pa.B. Doc. No. 99-1719. Filed for public inspection October 8, 1999, 9:00 a.m.]

Thursday, October 21, 1999, from 9 a.m. to 3 p.m. in the auditorium of the Pennsylvania Game Commission headquarters located at 2001 Elmerton Avenue in Harrisburg, Pennsylvania.

Persons who wish to present comments on the paper must schedule a 5-minute time slot by calling (717) 772-6512. Speaking slots may be scheduled until 4 p.m., October 15, 1999. Please bring a written copy of your comments to the meeting.

Persons unable to attend either meeting may submit comments in writing to: DPW/OMAP, Bureau of Policy, Budget, and Planning, 789 Eisenhower Boulevard, Harrisburg, PA 17111.

Written comments also will be accepted at the following e-mail address: lehighcap@dpw.state.pa.us

Written comments will be accepted until 4 p.m., November 12, 1999.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 99-1720. Filed for public inspection October 8, 1999, 9:00 a.m.]

Public Meeting Notice

The Department of Public Welfare (Department) is announcing the opportunity for public comment on the plan to implement HealthChoices, the mandatory managed care program for Medical Assistance consumers in Pennsylvania, in the Lehigh/Capital Zone. Health Choices was implemented in five counties in the Southeast Zone in 1997 and in 10 additional counties in the Southwest Zone in 1999. The Department is now developing the HealthChoices program for the following 10 counties in the Lehigh/Capital Zone: Adams, Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, Perry and York.

A discussion paper on the plan to implement HealthChoices in the Lehigh/Capital Zone may be obtained by calling (717) 772-6512 or accessing the DPW Web page at: <http://www.dpw.state.pa.us/oma/dpwomap2.asp>

In order to gather comments from all interested parties, the Department will hold two public meetings to discuss the Department's plans to implement HealthChoices in the Lehigh/Capital Zone. The first meeting will be held on Monday, October 18, 1999, from 10 a.m. to 3 p.m. in the auditorium of the Allentown State Hospital in Allentown, Pennsylvania and the second meeting will be held on

DEPARTMENT OF REVENUE

Pennsylvania Million Dollar Wheel of Fortune Instant Lottery Game

[Correction]

An error occurred in the document, which appeared at 29 Pa.B. 4736 (September 4, 1999), giving notice of the rules for the new instant lottery game. The error relates to the television stations that will carry the syndicated Wheel of Fortune television game show. The following represents the correct stations and channels:

* * * * *

10. Million Dollar Wheel of Fortune Bonus Drawing Entry Requirements:

* * * * *

(b) The player shall watch the syndicated Wheel of Fortune television game show Monday through Friday as follows:

<i>Market</i>	<i>Station</i>	<i>Channel</i>
Philadelphia	WPVI	6
Pittsburgh	WPXI	11
Scranton/Wilkes-Barre	WBRE	28
Harrisburg	WHP	21

<i>Market</i>	<i>Station</i>	<i>Channel</i>
Johnstown	WATM	23
Erie	WSEE	35

* * * * *

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-1721. Filed for public inspection October 8, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties

Project Reference No. 08430AG2425

The Department will retain each of the two (2) engineering firms for an Open-End Contract for engineering and/or environmental services on various projects located in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. Each Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$2.0 million. The Modified Selection Process will be used.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating two (2) Open-End Contracts based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of the firm. Firms must demonstrate an ability to analyze available data to make decisions to develop plans in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts. The firms will also be evaluated on customer satisfaction, including accessibility, cooperation, and attitude toward previous projects.

c. The firms selected must be capable of providing adequate leadership and human resources to effectively complete multiple work orders of a similar or diverse nature. Strategic planning and organization is required for prompt turnaround time.

d. Firms must demonstrate their ability to communicate ideas and/or practices across units, including subconsultant, to improve the design process and better meet the requirements of the Department.

e. Relative size of firm to size of projects that may be completed under this Contract.

f. Location of firm with respect to the District Office.

The selected firm will be required to provide necessary professional engineering and environmental services, material and equipment necessary to collect, analyze, map and organize data; conduct preliminary engineering alternative analyses; assess impacts; conduct agency and public involvement activities; prepare reports; design mitigation plans; and prepare engineering and environmental analyses.

The work and services required under these Contracts may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Contracts include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; evaluate alternatives using benefit/cost analysis; document engineering study findings and activities; develop design review submissions as per applicable Department manuals, procedures and policies; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The preliminary engineering alternative analyses required under these Contracts may include, but are not limited to, engineering required to assess impacts and mitigation; avoid and/or minimize impacts; assess the condition of historic structures; and avoid impacts to Section 4 (f) properties and waters of the United States.

The engineering services and environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and not more than six (6) additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
Engineering District 9-0
1620 N. Juniata Street
Hollidaysburg, PA 16648
Attention: Mr. David L. Sherman, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. David L. Sherman, P.E., District 9-0, at (814) 696-7172.

Huntingdon County

Project Reference No. 08430AG2426

The Department will retain an engineering firm to provide preliminary engineering plans, perform final design and provide services during construction (shop drawing reviews and consultation during construction) for S. R. 0453, Section 002, in Huntingdon County.

This project consists of constructing a truck-climbing lane near the village of Water Street on S. R. 0453 in Morris Township, Huntingdon County. The project also includes roadway safety improvements to this section of S. R. 0453 totaling 3.1 miles in length. These improvements include roadway widening and rehabilitation, wider shoulders, guide rail updates and drainage improvements. Five (5) existing culvert structures, all with spans between 8 feet and 19 feet, are located within the limits of the truck climbing lane. The estimated construction cost for this project is \$8.0 million. As part of this project, these culverts will be rehabilitated and widened, replaced or eliminated as determined by the preliminary engineering process.

The selected engineering firm will be required to provide a variety of engineering services as indicated below, but not limited to:

1. Preliminary engineering including, but not limited to: type, size and location drawings, and location drawings; Step 9 submission; roadway design; E & S plans; soils and geotechnical reconnaissance; maintenance and protection of traffic; right-of-way investigation; and coordination with utility companies.
2. Preparation of final roadway and structure plans, including, but not limited to: roadway and structure borings; final design; and preparation of plans, specifications, and estimates.
3. Consultation services during construction on as needed basis and shop drawing review.

All engineering services for this project will be performed in accordance with the current Department Metric Design Standards. English measurements will also be included on the plans.

The following factors, listed in order of importance, will be considered by the Department during evaluation of the firms submitting acceptable Letters of Interest:

- a. Specialized expertise and technical compliance.
- b. Project team composition.
- c. Project team experience.
- d. Ability to expedite project and maintain schedule and budget.
- e. Past performance.
- f. Geographic location of the consultant with respect to Engineering District 9-0.

The District will announce the shortlisted firms at an open public meeting to be held in Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. All candidates that have submitted a Letter of Interest will be notified of the date. Specify a contact person in the Letter of Interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. Include a copy of the confirmation letter from the Department stating the consultant's current F.A.R. overhead rate. (This letter is not considered as part of the five (5) page maximum). (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
Engineering District 9-0
1620 North Juniata Street
Hollidaysburg, PA 16648
Attention: Mr. Terry L. Bouch

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Terry L. Bouch, District 9-0, at (814) 696-7171.

Erie County

Project Reference No. 08430AG2427

The Department will retain an engineering firm to provide the final design and services during construction for S. R. 4034, Section A70 (East Side Access Road). This project is from Broad Street to McClelland Avenue in the City of Erie, Erie County, Engineering District 1-0. The estimated construction cost is \$13.9 million.

The selected firm will be required to perform field surveys, roadway and railroad design, cross sections, soils and geological investigation, erosion and sedimentation control plan, Step 9 field view, right-of-way submission, utility and railway investigation, traffic investigations, prepare structure design and develop final plans for the new roadway. The attendance at various public involvement meetings is required. The consultant will be required to provide material for and attend a safety review meeting; attend various field views to be held on the site;

provide material for and participate in value engineering reviews, and provide efficient project management.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

a. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.

b. Understanding of the Department's requirements, Design Manuals, policies and specifications.

c. Past record of performance with respect to cost control, work quality and ability to meet schedules.

d. Project management skills and public involvement experience. The specific experience of individuals who constitute the firms will be considered.

e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, sub-consultants, etc.

f. Location of consultant with respect to the District. This will include ability/provisions for quick responses to District requests.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. John L. Baker, P.E., District Engineer
Engineering District 1-0
255 Elm Street
Oil City, PA 16301
Attention: Mr. Michael L. McMullen, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth (6th) day following the date of this Notice.

Engineering District 1-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District Office. All firms that have submitted a letter of interest will be notified of the time and date. Specify two (2) contact persons in the letter of interest.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael L. McMullen, P.E., District 1-0, at (814) 678-7077 or Mr. Richard R. Paravano, District 1-0, at (814) 677-7080.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

September 23, 1999

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1722. Filed for public inspection October 8, 1999, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of Meeting

The October 19, 1999, Environmental Quality Board meeting has been canceled. The next meeting is tentatively scheduled for November 16, 1999, at 10 a.m. in Room 105 of the Rachel Carson State Office Building (RCSOB), Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 99-1723. Filed for public inspection October 8, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, September 23, 1999, and took the following actions:

Regulations Approved:

Insurance Department #11-149: Motor Vehicle Physical Damage Appraisers (amends 31 Pa. Code §§ 62.1—62.4).

Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective September 10, 1999.

Department of Public Welfare #14-425: Enumeration (amends 55 Pa. Code § 155.2).

Honorable Feather O. Houstoun, Secretary
Department of Public Welfare
333 Health & Welfare Building
Harrisburg, PA 17105

Re: IRRC Regulation #14-425 (#1869)
Department of Public Welfare
Enumeration

Dear Secretary Houstoun:

Since this proposal meets all of the criteria under Section 5b(3), your regulation is approved. A copy of this letter will be forwarded to the Legislative Reference Bureau.

Any questions you or your staff may have, contact Robert E. Nyce, our Executive Director at 783-5506.

Sincerely,
Alvin C. Bush,
Vice Chairperson

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli—Dissenting; Robert J. Harbison, III; John F. Mizner

Public Meeting held
September 23, 1999

Insurance Department—Motor Vehicle Physical Damage Appraisers; Regulation No. 11-149

Order

On January 27, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code §§ 62.1—62.4. The authority for this regulation is found in section 1 through 14 of the Motor Vehicle Physical Damage Appraiser Act (63 P. S. §§ 851—863)(act). The proposed regulation was published in the February 6, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 23, 1999.

The Department is amending Chapter 62 relating to motor vehicle physical damage appraisers to make it consistent with the act. The regulation adds provisions which clarify the licensing requirements and occupational standards for appraisers. The regulation also specifies items which must be listed on the appraisal and disclosure requirements designed to protect consumers.

We have reviewed this regulation and find it to be in the public interest. The regulation clarifies licensing requirements for appraisers and eliminates provisions which repeat or are inconsistent with the act.

Therefore, It Is Ordered That:

1. Regulation No. 11-149 from the Insurance Department, as submitted to the Commission on August 23, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1724. Filed for public inspection October 8, 1999, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

Reg. No.	Agency/Title	Issued	Final-Form Submission Deadline
14-445	Department of Public Welfare Medical Assistance Estate Recovery Program (29 Pa.B. 3888 (July 24, 1999))	9/23/99	8/23/01

Department of Public Welfare Regulation No. 14-445
Medical Assistance Estate Recovery Program
September 23, 1999

We have reviewed this proposed regulation from the Department of Public Welfare (Department) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, conflict with existing statute, economic impact, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final regulation.

1. Section 258.2. Definitions.—Economic Impact, Reasonableness, Need and Clarity.

Estate property

The definition of “estate property” includes the phrase “real and personal property.” Neither real nor personal property are defined or explained in this regulation. For clarity, the Department should define what constitutes real and personal property, or cross-reference the specific statute in which these terms are defined.

Personal representative

The proposed regulation defines “personal representative” as “[A]n executor or administrator of any description.” What is the significance and meaning of an “admin-

istrator of any description?” The Department should clarify this phrase within the proposed definition.

Protectable asset

The definition of “protectable asset” is unclear. Specifically, it is unclear whether the \$10,000 limit described in subsections (ii) and (iv) is cumulative or exclusive (that is, per item). Also, it is impossible to distinguish whether a given item would fall under subsections (ii) or (iv). The Department should clarify how to interpret the monetary limits.

Response period

This definition allows 45 days to respond to a notice requesting a statement of claim. To improve the clarity of the regulation, the Department should include a citation to the statute that prescribes the 45-day response period.

Surviving spouse or child

The definition of “surviving spouse or child” is limited to a spouse or to a child who is blind or totally and permanently disabled. This definition is unclear. Is a sighted child or a child without a total and permanent disability considered a child under this definition? If so, is a person under the age of majority, included in this definition? Finally, for the purpose of this definition, is the age of majority 18 or 21?

2. Section 258.3. Property liable to repay the Department.—Conflict with existing statute and clarity.

Subsection (a)

Subsection (a) states all estate property is subject to the Department’s claim. The definition of “estate property” includes all property *subject to administration by the personal representative* (emphasis added). A personal representative could also administer exempt property, such as items included in the “family exemption.” This subsection should reference the succeeding subsections where these exemptions are set forth.

Subsection (c)

Subsection (c) states that life insurance payable to a “third party” is not subject to the Department’s claim. It is unclear whether an “immediate family member,” as defined in § 258.2, would qualify as a “third party.” Under what circumstances will life insurance be subject to the Department’s claim? “Third party” must be defined.

Subsection (d)

Commentators noted that subsection (d) would change the status of special testamentary trusts a parent may set up for a child with a disability. To consider this kind of testamentary trust to be a recoverable part of the estate would be counterproductive. The depletion of resources available to care for the child could result in transfer of the cost of care to the Department or another State agency. Therefore, the Department should exempt this kind of testamentary trust from recovery. Could these trusts fall under the postponement provisions for disabled children? The Department should explain the applicability and impact of the regulation on special trusts for disabled children.

Subsections (d) and (f)

Subsections (d) and (f) use the term “estate” which presumably differs from the defined term “estate property.” For clarity, the Department should change the defined term in § 258.2 from “estate property” to “estate or estate property.”

Subsection (e)

Subsection (e) states certain bank accounts, life insurance and patient accounts are subject to recovery. This implies some of these assets may not be subject to estate recovery. However, the regulation is not specific on which assets are exempt. The regulation should clearly identify what is, and is not, subject to estate recovery in a cross-reference to 20 Pa.C.S. § 3101 where these assets are listed.

Subsection (f)

Several commentators have expressed the concern that the Department does not have the statutory authority to apply the Uniform Fraudulent Transfers Act (UFTA), as recovery of assets is preempted by Federal law, 42 U.S.C.A. § 1396p. Assuming the Department does have the statutory authority, its application is not consistent with the pertinent provisions of the UFTA. Senator Hughes and other commentators commented that subsection (f) provides that all property transfers within 1 year of death "for less than reasonably equivalent value" are subject to recovery. However, sections 5104 and 5105 of the UFTA establish several additional conditions that must be satisfied before a creditor can recover against an estate. There appears to be an inconsistency here.

We also question the Department's authority to apply subsection (f) in any case. If the Department establishes its statutory authority, we request that the Department explain whether subsection (f) conflicts with existing Federal law, whether a personal representative, or anyone other than a creditor, can recover under the UFTA, and why the application of the UFTA is necessary and reasonable.

A final concern is that subsection (f) provides for recovery from the estate for assets transferred for less than *reasonably equivalent value* (emphasis added). The Department should add a definition of "reasonably equivalent value," or cross-reference the statutory provision of the UFTA where this phrase is defined.

**3. Section 258.4. Request for statement of claim.—
Statutory Authority, Reasonableness and Clarity.**

Subsection (a)

This subsection requires the personal representative of affected decedents to notify the Department and request a statement of claim. To improve the clarity of the regulation, the Department should define "statement of claim" in § 258.2 Definitions.

Subsection (b)

This subsection states that if the notice from the personal representative does not fully comply with subsection (a), the response period will be suspended until a fully complying notice is received. However, this subsection does not specify the method or time frame the Department will use to notify the personal representative that the notice failed to meet the requirements of subsection (a). Without notification, the personal representative would have no way of knowing that the notice is deficient and the Department's response period has not begun. In the final regulation, the Department should include its procedures and time frame for notifying a personal representative of a deficient notice and the status of the response period.

Subsection (c)

This subsection states that the Department will rely on a date stamp to conclusively establish the receipt date of all notices from personal representatives and the submis-

sion date for the Department's statements of claims. A date stamp may not accurately reflect when a notice was actually delivered, since it could be several days after delivery until the Department stamps the notice. By relying on a date stamp, the Department could extend its response period beyond the 45 days allowed under the statute.

Subsection (a) requires the personal representative to submit notice to the Department by certified mail return receipt. If the Department relies on its own internal date stamp, why would the certified mail requirement in subsection (a) be necessary? The Department should revise subsection (c) to rely on the date on the certified mail receipt, instead of its date stamp, to determine the receipt date of notices. If the Department does not elect to rely on the receipt date, it should explain why it is necessary to use a date stamp.

In addition, section 1412(b) of the act requires the Department to submit its claim within 45 days. The date on the statement of claim may not reflect the actual date on which the Department submits its claim to the personal representative. The Department should revise subsection (c) to conclusively establish the submission date for a statement of claim, by relying on the postmark, certified mail receipt or meter date.

Subsection (d)

This subsection allows the personal representative to extend the Department's response period to submit a statement of claim. Section 1412(b) of the act states the following:

... The Department must submit its claim to the executor or administrator within forty-five days of receipt of notice or the claim shall be forfeited.

The act does not contain any provision for extending the Department's response period by consent of the parties. To the contrary, the time limit is a firm one, with the consequence of forfeiture of the Department's claim if it is not met. Therefore, the Department should delete the provision in subsection (d), which would allow the personal representative to extend the response period.

Subsection (e)

This subsection permits the Department to issue a statement of claim based on information that has been delivered by telephone, fax machine or electronic mail. However, according to the regulation, when these forms of communication are used by the personal representative, they "will not cause the Department's response period to commence." Why does receipt of the information by alternate means not constitute receipt of notice under section 1412(b) of the act? It is inconsistent for the Department to issue a statement of claim based upon information received by alternate means of communication, but not start its response period at the same time the information is received.

We suggest a revision to this subsection indicating that the Department may accept information delivered through alternate means and that the response period begins on the date the information is received. If the Department elects not to start its response period upon receipt of information delivered through alternate means, this subsection should provide for notice to the personal representative. The notice should include a statement that the response period will not commence until the information is resubmitted in accordance with subsection (a).

Subsection (f)

This subsection allows the Department to amend a statement of claim after the close of the response period. We understand that an amendment could improve the accuracy of the claim in cases where medical bills are submitted after the 45-day response period. However, as discussed in relation to subsection (d), the act is clear. The Department must submit a claim within 45 days or forfeit its claim. The act does not authorize the extension of this period to allow for amendment of the Department's claim. Consequently, we see no authority for subsection (f).

4. Section 258.5. Computation of claim.—Statutory Authority, Need and Clarity.*Subsection (b)*

The phrase "qualified Medicare beneficiaries" should be defined, including any appropriate references to other regulations or statutes.

Subsections (d) and (e)

For clarity, the term "capitation payments" should be defined in § 258.2 Definitions.

Subsection (d)

Subsection (d) references an example of capitated payment to physicians. It is unclear what example is referenced.

Subsection (e)

Subsection (e) is unclear for four reasons. First, according to subsection (e), insufficient information from a Managed Care Organization (MCO) results in the Department using capitation payments. However, according to subsection (d), insufficient information from an MCO results in the Department using a fee schedule amount. It is unclear what the determining factor would be between using capitation payments or fee schedules.

Second, subsection (e) states the Department will use the capitation payments as the amount of its claim until sufficient information is provided to revise the claim using payments made by the MCO or the Department's fee schedule. The statute requires the Department to submit its claim within 45 days, or the claim shall be forfeited. Once the Department submits its claim, does the Department have the authority to change its claim? If so, cite it.

Third, as a practical matter, updating claims would not be reasonable or productive. If the Department submits and later updates its claim, personal representatives could not rely on any statement of claim until the 45 days expire. Why wouldn't the Department simply submit one reliable claim?

Finally, the last sentence describes contractual terms and liabilities between the Department and an MCO. It is unclear what purpose is served by the regulation describing the execution of contract terms once the Department's claim is submitted. This sentence should be deleted.

Subsection (f)

Subsection (f) invokes a rebuttable presumption that the Department's statement of claim is correct, and shifts the burden of proof to the personal representative to show otherwise by preponderance of the evidence. Since the information in the statement of claim is completely within the Department's control, the shift of the burden of proof to the personal representative is not reasonable. In addition, there are substantial legal questions with this position. Senator Hughes cited several Pennsylvania

Supreme Court decisions that establish that the burden of proof rests on the creditor; in this case, the Commonwealth. The Department should cite its authority to shift the burden of proof.

5. Section 258.7. Postponement of collection.—Statutory Authority and Clarity.

This section outlines the circumstances in which the Department would postpone collection of its claim. However, the process of postponement is not included. Does the Department automatically initiate postponement if one or more of the criteria are met? Or is the surviving spouse or child or personal representative required to apply for postponement? For clarity, the Department should outline the process for postponement; who initiates the process, the forms required to postpone collection and the amount of time the Department will take to evaluate the request and render a decision.

Subsection (a)

Subsection (a) states "The Department will postpone collection of its claim until the later of one of the following . . ." (emphasis added). Does the Department intend that all, or just one, of "the following" must occur? The wording of this subsection should be clarified.

Subsection (c)

We have a number of questions regarding this subsection. Subsection (c)(2) requires the personal representative to protect the Department's claim by perfecting a security interest on items of personal property with a value greater than \$10,000. Subsection (c)(3) requires the personal representative to establish a trust if the estate contains cash or cash equivalents in an aggregate amount in excess of \$50,000. We request the Department explain how these dollar amounts were selected and how the items are to be appraised.

In subsection (c)(2), we question how a properly perfected security interest would be placed on individual items of the decedent's estate. For example, if the estate contains numerous items, such as audio-visual equipment, small home appliances, and the like, could the Department place security interests upon each of these items? Also, does the Department handle items with a high rate of depreciation (for example, cars, boats, and the like)?

Subsection (c)(3) contains the term "remainderman." This term is not defined in the regulation. For clarity, the Department should define this term, or cross-reference the statute or regulation where it is defined.

Finally, we also question what directions the Department proposes to give under subsection (c)(4), where they can be found, and how they will be enforced. If there are other means by which the personal representative is obliged to protect assets, they should be listed in the regulation.

Subsection (e)

Subsection (e) allows a spouse, adult child or legal representative of a child under 18 to waive postponement of collection. Subsection (a) provides that the Department will cease postponing collection of a claim on "[T]he date any surviving child attains 21 years of age." It is unclear why subsection (a)(3) uses the age of 21, while Subsection (e) uses the age of 18. The Department should explain why the ages differ, or amend the regulation to make them consistent.

Also, this subsection does not indicate how the waiver process would be initiated, or the conditions under which the Department would allow for postponement. This subsection should include the criteria and process the Department will use to waive a postponement of collection.

6. Section 258.8. Liability of personal representative.—Clarity.

Subsections (b) and (c) require the personal representative to obtain valuable and adequate consideration for any property that is transferred. The condition of property has a significant effect on its value. Property, such as a vehicle, also depreciates rapidly. What will satisfy the Department that the fair-market value was received for property? The regulation should state what constitutes acceptable documentation for this section.

7. Section 258.9. Liability of transferees.—Clarity.

As noted in the comment on § 258.8, this section should state what documentation the transferee needs to satisfy the Department's requirement for fair-market value.

Subsection (a)

Subsection (a) limits the liability of a transferee to fair market value of the property received. However, subsection (a) does not account for the amount a transferee may have paid for the property. The regulation should limit liability to the difference between the consideration paid, if any, and the fair market value.

8. Section 258.10. Undue hardship waivers.—Reasonableness and Clarity.

Senator Hughes, the Pennsylvania Department of Community and Economic Development, and many other commentators advocate adding an exemption for homes valued at less than \$50,000. The commentators cite many concerns. The regulation, as written, may deter people from using MA home-based services. Also, the regulation may encourage the abandonment of homes. The Department should explain why an exemption was not included in the regulation.

Subsections (b), (c) and (d) provide that the Department *may* find undue hardship if the listed conditions are met (emphasis added). However, as Senator Hughes correctly points out, the Department has no discretion under 42 U.S.C.A. § 1396p(b)(3). That section provides: "The state agency shall establish procedures . . . under which the agency *shall waive* the application of this subsection . . . if such application would work an undue hardship." (emphasis added). Therefore, the Department should change the word "may" to "will" in these subsections. In addition, the Department should list the circumstances that constitute an "undue hardship," as provided in Federal regulations or guidelines.

Subsection (b) states, "The Department may find undue hardship and may waive its claim with respect to . . . an immediate family member of the decedent." Many commentators have questioned the need to limit this section to immediate family members. As defined, the term immediate family member seems too narrow. No allowances are made for grandchildren, nieces, nephews, and the like, who have been living in the home. If the current definition is retained, we ask the Department to explain why the term "immediate family member" is not broader in scope.

9. Section 258.11. Unadministered estates.—Statutory Authority, Reasonableness and Clarity.

Subsections (a), (b) and (c)

These subsections allow a Department employee to administer an estate if there is no personal representative and there are assets available to pay the Department's claim. The Department employee may use legal services provided by the Department's Office of Legal Counsel or may hire private counsel. If Department legal and administrative services are provided to the estate, the Department will charge a reasonable fee. We have several concerns with these subsections.

First, we can find no authorization for these provisions in the act. Furthermore, we question the reasonableness of these subsections. There is an inherent conflict of interest in allowing a Department employee to administer an estate from which the Department is seeking to recover a claim. How could a Department employee challenge the Department's claim in administrative hearings conducted by his or her employer?

In addition, the regulation contains no parameters for how the Department will determine a reasonable fee. It is also unclear how undue hardship would be considered.

Unless the Department can demonstrate the statutory authority for these provisions, they should be deleted. If the Department demonstrates the statutory authority for these provisions, the Department should include the parameters it will use to determine a reasonable fee.

Subsection (d)

This subsection states that the Department will periodically make lists of unadministered estates available to any attorney or member of the public who may want to administer an estate. The Department may also refer unadministered estates to local private counsel. We have several concerns with this subsection.

First, the regulation does not indicate how local counsel will be selected. In addition, the regulation does not contain any details on how these provisions will be implemented. For example, how frequently and through what means will lists be made available? What paperwork must an individual complete to be appointed as administrator? What process does the Department use to refer estates to local counsel? How would undue hardship be considered by the attorney or member of the public? How will conflicts of interest be avoided if the selected counsel, who is compensated under control of the Department, must represent the estate in proceedings before the Department? We request the Department address these questions in the final regulation.

10. Section 258.12. Administrative enforcement.—Clarity.

Subsection (a)

This subsection provides that "In addition to any other remedies allowed by law," the Department may assess liability upon a personal representative or transferee. Sections 1412(a.1)(1) and (2) of the act list the circumstances under which a personal representative or transferee may be held liable. The Department should include citations to these sections of the act in the final regulation.

Furthermore, the phrase "In addition to any other remedies allowed by law . . ." is vague and confusing. The

Department should include citations to the applicable laws or regulations, or delete this phrase. In addition, the Department should specify how the personal representative or trustee will be notified of the Department's assessment of liability.

Also, it is unclear how the personal representative can avoid being assessed if he or she unsuccessfully attempted to recover assets from a transferee. In that instance, which party would have the burden of proof?

**11. Section 258.13. Appeals and jurisdiction.—
Statutory Authority, Reasonableness and Clarity.**

Subsections (a) and (b) provide a 30-day time limit for requesting an appeal and the office where the appeal is to be filed. However, no other details of the hearing process are contained in these provisions. To avoid confusion, we recommend that subsection (a) cross-reference the rules and regulations governing the Department's hearing procedures.

We question the Department's statutory authority to claim, in Subsection (c), that the Bureau of Hearings and Appeals has exclusive jurisdiction over disputes involving waiver, compromise or postponement of collection. Also, what is the statutory basis or precedent for applying an abuse of discretion standard?

Second, what is the Department's statutory authority for providing, in subsection (d), that the Bureau of Hearing and Appeals has concurrent jurisdiction with the Courts of Common Pleas over disputes involving computation of claims and assessment of liability? In addition, what is the statutory authority for providing that the filing of an appeal with the Bureau constitutes an irrevocable election to proceed exclusively before the Bureau?

We request the Department explain the statutory authority to supercede the jurisdiction of the Orphan's Courts in the Commonwealth. We also request that the Department explain how Bureau decisions rendered under to subsections (b) and (c) would be binding on other creditors.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1725. Filed for public inspection October 8, 1999, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-390	Department of Revenue Inheritance Tax; Disclaimers of Nonprobate Taxable Assets	9/24/99

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-381	Department of Revenue Personal Income and Corporate Taxes	9/28/99

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1726. Filed for public inspection October 8, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws

Wesley K. Wyatt; Doc. No. SC99-08-017

Notice is hereby given of the Order to Show Cause issued on September 7, 1999, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Insurance Department Act of 1921 (40 P. S. §§ 234 and 279), 31 Pa. Code §§ 37.46 and 37.47, 18 U.S.C.A. § 1033.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.193, 35.225—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1727. Filed for public inspection October 8, 1999, 9:00 a.m.]

Application for Acquisition of a Domestic Stock Life Insurance Corporation

The Philanthropic Mutual Life Insurance Company has filed an application to acquire control of National Safety Life Insurance Company. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P. S. § 991.1402 et. seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insur-

ance Department of the exact basis of the statement. Written statements should be directed to Michael S. Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, email mgraeff@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1728. Filed for public inspection October 8, 1999, 9:00 a.m.]

Application for Approval to Redomesticate by Reliance Universal Insurance Company

Reliance Universal Insurance Company, a California stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of California to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et. seq.). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, e-mail cbybee@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1729. Filed for public inspection October 8, 1999, 9:00 a.m.]

Highmark Blue Cross Blue Shield; Dental Profile Update; Rate Filing; Filing No. 99080000

On September 17, 1999, Highmark Inc. d/b/a Highmark Blue Cross Blue Shield, d/b/a Pennsylvania Blue Shield submitted filing no. 99080000 seeking authority to increase Dental Customary Profiles (Level II's). The increase in payout resulting from the proposed 4.8% increase is estimated at \$11.5 million, with an effective date of November 1, 1999.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1730. Filed for public inspection October 8, 1999, 9:00 a.m.]

Repeal of Outdated Bulletin Notices; Department Notice 1999-05

The Insurance Commissioner hereby formally repeals the following Bulletin Notices. The notices were issued to provide general information, guidance in advance of the promulgation of a regulation, or announce a change in law or Insurance Department practice. The insurance industry is now familiar with the information contained in these Notices or the information is outdated and no longer relevant or necessary for the proper regulation of the insurance industry in this Commonwealth.

Notice No.	Date Published	Title
1999-02	04/17/99	Repeal of Outdated Notices
1998-04	09/05/98	Notice to Medical Malpractice Insurance Carriers and Self Insured Health Care Providers
1998-03	06/27/98	Per Diem Charges for Market Conduct Examinations of Insurance Companies (Superseded by 1999-04, effective 7/1/99)
	06/27/98	Per Diem Charges for Financial Examinations of Insurance Companies (Superseded by 1999-03, effective 7/1/99)
	09/20/97	Notice to Medical Malpractice Insurance Carriers and Self Insured Health Care Providers
1995-01	01/11/95	Valuation Data Standard for Life, Accident & Health Insurance
1994-15	10/03/94	Nonforfeiture & Valuation Statistical Interest Rates

This notice supersedes the Repeal of Outdated Notices published at 29 Pa.B. 2105 (April 17, 1999), which prior notice is hereby repealed. This new notice shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

Questions regarding this notice may be addressed to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

Questions may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 772-1969.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1731. Filed for public inspection October 8, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe #9113, 1913 Chestnut Street, Philadelphia, PA 19103-3504.

Lease Expiration Date: April 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commer-

cial space on Chestnut Street between 22nd Street and 18th Street in Philadelphia.

Proposals due: November 5, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Lebanon County, Wine & Spirits Shoppe #3803, 943 East Main Street, Palmyra, PA 17078-1915.

Lease Expiration Date: September 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,800 to 3,500 net useable square feet of new or existing retail commercial space on Main Street (U. S. Route 422), within 1 mile of the intersection of Old Forge Rd. (Route 117), Palmyra Borough.

Proposals due: November 5, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-1732. Filed for public inspection October 8, 1999, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 4

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1301) the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on November 10, 1999, at 9 a.m. in Room 405 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

Purpose of the hearing

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement, as set forth in Section G of Official General Order No. A-900.

Entries of appearance

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons that may be affected by the Board order fixing prices in Area No. 4 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on October 12, 1999, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on October 12, 1999, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

Witnesses, exhibits, presentation of evidence

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on October 26, 1999, each party shall file with the Board seven copies and serve on all other parties one copy of:
 - a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.
 - b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on November 3, 1999, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Note: A document is filed with the Board when it is received in the Board office. When more than one copy of a document is required, all copies must be received by the date and time indicated.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests for data from Board staff

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 15, 1999.

Board's filing address

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format, should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD users).

LYNDA J. BOWMAN,
Executive Secretary

[Pa.B. Doc. No. 99-1733. Filed for public inspection October 8, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before November 1, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00116245. City Taxicab and Transfer Company (1753 West Prospect Road, Ashtabula, OH 44004), a corporation of the State of Ohio, for the right to begin to transport, as a common carrier, by motor vehicle, railroad personnel of CSX and Norfolk Southern, between points in the counties of Allegheny, Crawford, Erie, Lawrence, McKean, Mercer, Potter, Warren and Washington.

A-00116242. Francis J. Black (HC 1, Box 5, Sterling, Wayne County, PA 18463)—persons in limousine service, between points in the township of Sterling, and within an airline distance of 20 statute miles of the limits of said township, and from points in said territory, to the Wilkes-Barre/Scranton/Avoca International Airport, located in Avoca, Luzerne County, and the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County, and vice versa.

A-00116246. Complete Care, Inc. (981 North Church Street, Hazleton, Luzerne County, PA 18201), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the city of Hazleton, Luzerne County, and within an airline distance of 90 statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* John C. Gormley, P. O. Box 159, Slatington, PA 18080-0159.

A-00116247. Somerset Area Ambulance Association, Inc. (P. O. Box 615, Somerset, Somerset County, PA 15501), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the county of Somerset, and from points in said county, to points in the counties of Allegheny, Bedford, Blair, Cambria, Fayette and Westmoreland, and return. *Attorney:* George B. Kauffman, 204 Scull Building, 124 North Center Avenue, P. O. Box 284, Somerset, PA 15501-2051.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00116248. Caprice Transportation Co., Inc. (7 Elmwood Avenue, Bala Cynwyd, Montgomery County, PA 19004), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand: (1) in the borough of Narberth, and that portion of Lower Merion Township, beginning at the joinder of the Schuylkill River and City Line Avenue, thence northwardly along the Schuylkill River to its joinder with Mill Creek Road, thence westwardly along Mill Creek Road to its intersection with Gulph Road, then southwardly along Gulph Road to its intersection with Gypsy Lane, thence southeastwardly along Gypsy Lane and its merger with Wynnewood Avenue to its intersection with City Line Avenue, thence eastwardly along City Line Avenue to the point of beginning; subject to the following condition: that no right, power or privilege is granted to originate service from City Line Avenue addresses on the Montgomery County side of City Line Avenue from the Route 76 exit to Old Lancaster Road; and (2) in the townships of Marple, Upper Providence and Newtown, Delaware County, and that part of Lower Marion Township, Montgomery County, on and east of a line beginning at Waverly Road and the Schuylkill River, thence southeastwardly along Waverly Road to its intersection with Morris Avenue, then southeastwardly along Morris Avenue to its intersection with Old Gulph Road, then westward along Old Gulph Road to its merger with Roberts Road, then southward along Roberts Road to the Montgomery-Delaware County Line; which is to be a transfer of all of the rights authorized under the certificate issued at A-00108538, F. 1, and F. 1, Am-A to Main Line Taxi Co., subject to the same limitations and conditions. *Attorney:* Herbert E. Squires, 5 Penn Center, Suite 2330, 1601 Market Street, Philadelphia, PA 19103.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00116130. Folder 3. Pittsburgh Transportation Company (5931 Ellsworth Avenue, Pittsburgh, Allegheny County, PA 15206), a corporation of the Commonwealth of Pennsylvania—additional right—persons in group and party service, in vehicles seating 15 passengers or less, including the driver: (1) from points in Allegheny County, to other points in Pennsylvania, and return; and (2) between points in the counties of Allegheny, Westmoreland, Washington, Greene, Fayette, Butler, Beaver, Mercer, Erie, Armstrong, Lawrence, Indiana, Venango, Crawford, Jefferson, Cambria, Somerset, Bedford and Blair, and from points in said counties, to points in Pennsylvania, and return; with Right No. 2 subject to the following condition: that no right is granted to transport persons in group and party service between points in the county of Allegheny. *Attorney:* Ray F. Middleman, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.

A-00115589. Folder 3. Concord Coach USA, Inc., t/d/b/a Bennett Cab Service (2752 Mt. Carmel Avenue, Glenside, Montgomery County, PA 19038), a corporation of the Commonwealth of Pennsylvania—additional right—persons upon call or demand: (1) in the township of Radnor, Delaware County, and the township of Lower Merion, Montgomery County, Stands: 715 Moore Avenue, Bryn Mawr, Philadelphia Suburban Transportation Com-

pany (formerly Philadelphia and Western Railway) Station, Bryn Mawr, Bryn Mawr Station of the Penn Central Transportation Company, Bryn Mawr, and the Treadway Inn, St. Davids; (2) in the township of Newtown, Delaware County and the township of Upper Merion, Montgomery County; (3) in the townships of Newtown and Marple, Delaware County; (4) in that portion of the city and county of Philadelphia bounded by City Line, 57th Street, Columbia Avenue, Lebanon Avenue, Haverford Avenue, Lansdowne Avenue and Cobb's Creek; and that portion of the borough of Narberth and the township of Lower Merion, Montgomery County, as bounded by Montgomery Avenue, Merion Road (Merion Avenue), City Line Avenue and Wynnewood Road (Wynnewood Avenue), and on City Line Avenue between 52nd Street and Haverford Road; (5) in the village of Villanova, Delaware County, Stand at The Pennsylvania Railroad Station, in the village of Rosemont, Montgomery County; and (6) in Lower Merion Township, Montgomery County, and Radnor Township, Delaware County. Stand: Villanova Station of the Philadelphia and Western Railway Company; which is to be a transfer of all of the rights authorized under the certificate issued at A-00089018, Folder 2 to Bennett Taxi Service, Inc., subject to the same limitations and conditions. *Attorney:* James W. Patterson, Center Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102.

A-00115589, Folder 4. Concord Coach USA, Inc., t/d/b/a Bennett Coach Airport Service (2752 Mt. Carmel Avenue, Glenside, Montgomery County, PA 19038), a corporation of the Commonwealth of Pennsylvania—additional right—persons in airport transfer service: (1) persons and their baggage, on schedule, in vehicles with a seating capacity of not more than 10 persons, from the Philadelphia International Airport to points in the township of Radnor, Delaware County, and to points in that part of the township of Lower Merion, Montgomery County, located north and west of Mill Creek Road and Ardmore Avenue, and vice versa; (2) persons and their baggage in airport transfer service, from the facilities of the Philadelphia Marriott Hotel—City Line, located in Lower Merion Township, Montgomery County, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County, and vice versa; (3) persons and their baggage, on schedule, in vehicles having a seating capacity of not more than 10 persons excluding the driver, between the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County, and points in the township of Haverford, Delaware County; subject to the following conditions: that any service provided under the authority granted herein shall be rendered without the use of taximeters or dome lights; (4) persons and their baggage in vehicles having a seating capacity of not more than 10 persons, excluding the driver, between the Philadelphia International Airport in the city and county of Philadelphia and the township of Tinicum, Delaware County, and the township of Marple, Delaware County; (5) persons and their baggage from points in the township of Lower Merion, Montgomery County, to the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County; and (6) from points in that portion of the townships of Tredyffrin, Chester County and Radnor, Delaware County, bounded by beginning at the intersection of Lancaster Pike (U. S. Highway Route 30), and Valley Forge Road, thence southeastwardly along Valley Forge Road to its

intersection with Sugartown Road, thence northeastwardly along Sugartown Road to its intersection with Lancaster Pike (U. S. Highway Route 30), thence westwardly along Lancaster Pike (U. S. Highway Route 30) to the point of beginning, including points on the aforesaid boundaries; to the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County; which is to be a transfer of all of the rights authorized under the certificate issued at A-00089018, Fs. 3 and 7 to Bennett Taxi Service, Inc., subject to the same limitations and conditions. *Attorney:* J. Patterson, Center Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of persons as described under each application.

A-00116249. Renzenberger, Inc. (P. O. Box 16150, Shawnee, Johnson County, Kansas 66203), a corporation of the State of Kansas—persons for CSX between points in the counties of Allegheny, Mercer, Somerset, Westmoreland, Huntingdon, Cameron, Lycoming, Snyder, Cumberland, York, Lehigh, Philadelphia, Chester, Beaver, Crawford, Fayette, Cambria, Mifflin, Potter, Union, Dauphin, Franklin, Lebanon, Northampton, Delaware, Lawrence, Erie, Greene, Blair, McKean, Clinton, Northumberland, Perry, Lancaster, Berks, Bucks, and Montgomery.

A-00116251. L & S Transportation, Incorporated (104 Hoffman Road, Wind Gap, Northampton County, PA 18091), a corporation of the Commonwealth of Pennsylvania—persons attending bingo games, for Astor Bingo Hall, from points in the city of Allentown, Lehigh County, to its facilities located in the city of Allentown, Lehigh County; subject to the following condition: that service will be provided in vehicles with a seating capacity of 15 passengers or less, excluding the driver.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00107294, Folder 2, Am-C. Bucks County Transport, Inc. (Buckingham Green Route 202, P. O. Box 510, Holicong, Bucks County, PA 18928), a corporation of the Commonwealth of Pennsylvania—inter alia—persons, in paratransit service, between points in the county of Bucks, and from points in said county, to points in the counties of Northampton, Lehigh, Montgomery and Philadelphia, and return; subject to the following condition: that any service provided under the authority granted herein shall be rendered in vehicles having a seating capacity of 29 passengers or less, excluding the driver: *So as to permit* the transportation of persons, in paratransit service, between points in the county of Bucks, and from points in said county, to points in the counties of Northampton, Lehigh, Montgomery and Philadelphia, and vice versa; subject to the following condition: that any service provided under the authority granted herein shall be provided in vehicles having a seating capacity of 28 passengers or less, excluding the driver. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110.

Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as *common carriers* by motor vehicle for the transportation of *persons* as described under each application.

A-00023743, Folder 9, Am-A. Nanticoke Public Service Company, Inc. (95 Academy Street, Plymouth, Luzerne County, PA 18051), a corporation of the Commonwealth of Pennsylvania—partial discontinuance of service—persons, on schedule, over the following route: beginning at the intersection of West Honey Pot and Turner Streets; thence on Turner Street to Garfield Street; thence on Garfield Street to North Market Street; thence on North Market Street to South Market Street; thence on South Market Street to West Broad Street; thence on West Broad Street to Hanover Street; thence on Hanover Street to Field Street; thence returning on Hanover Street to East Washington Street; thence on East Washington Street to College Street; thence on College Street to East Green Street; thence on East Green Street to Kosoiuszko Street; thence on Kosoiuszko Street to East Main Street; thence on East Main Street to Market Street; operating said route in either direction; subject to the following condition: that no right, power or privilege is granted to transport persons on any trip or trips in either direction locally between the public square in the city of Nanticoke and the terminus at the intersection of Hanover and Field Streets.

Application of the following for the approval of the transfer of stock as described under each application.

A-00110526, Folder 5001. U.S.A. Limo Service, Inc. (10 Industrial Highway, MS. #84, Lester, Delaware County, PA 19113), a corporation of the Commonwealth of Pennsylvania—for approval of the transfer of 50 shares of issued and outstanding stock held by USA Express, Inc. to Vladimir Goldfarb. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *household goods in use* by transfer as described under each application.

A-00089650, Folder 2, Am-D. Williamsport Moving Co., Inc. (3340 Wahoo Drive, Williamsport, Lycoming County, PA 17701), a corporation of the State of Delaware—household goods in use (1) between points in the borough of Shickshinny, Luzerne County, and within 3 miles of the limits of said borough; (2) from points in the borough of Shickshinny, Luzerne County, and within 3 miles of the limits of the said borough to points within 150 miles by the usually traveled highways of the limits of said borough, and vice versa; (3) between points in the city of Nanticoke, Luzerne County, and within 3 miles of the limits of said city; (4) from points in the city of Nanticoke, Luzerne County, and within 3 miles of the limits of said city, to points in Pennsylvania, and vice versa; (5) between points in the city of Wilkes-Barre, Luzerne County, and within 10 miles by the usually traveled highways of the limits of said city; and (6) from points in the city of Wilkes-Barre, Luzerne County, and within 10 miles by the usually traveled highways of the limits of said city to points in Pennsylvania and vice versa; which is to be a transfer of all of the rights authorized under the certificate issued at A-00107562 to Robert R. Zeedock and Celia Zeedock, Copartners, t/d/b/a Zeedock's Van Service, subject to the same limitations

and conditions. *Attorney:* David H. Radcliff, 624 North Front Street, Wormelystburg, PA 17043.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1734. Filed for public inspection October 8, 1999, 9:00 a.m.]

Telecommunications

A-310832F0002. Bell Atlantic-Pennsylvania, Inc. and Computer Business Sciences, Inc., d/b/a CBS. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Computer Business Sciences, Inc., d/b/a CBS for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Computer Business Sciences, Inc., d/b/a CBS, by its counsel, filed on September 22, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Computer Business Sciences, Inc., d/b/a CBS Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1735. Filed for public inspection October 8, 1999, 9:00 a.m.]

Telecommunications

A-310818F0002. Bell Atlantic-Pennsylvania, Inc. and HarvardNet, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and HarvardNet, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and HarvardNet, Inc., by its counsel, filed on September 22, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and HarvardNet, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1736. Filed for public inspection October 8, 1999, 9:00 a.m.]

Telecommunications

A-310824F0002. GTE North Incorporated and Dakota Services Limited. In the matter of the adoption by DSLnet Communications LLC of an Interconnection Agreement between GTE North Incorporated and Dakota Services Limited under section 252 (i) of the Telecommunications Act of 1996.

GTE North Incorporated and DSLnet Communications LLC by its counsel, filed on September 22, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under section 252 (i) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the GTE North Incorporated and DSLnet Communications LLC Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1737. Filed for public inspection October 8, 1999, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Tuesday, October 26, 1999, for Project #99-270-001 (Purchase of New Telephone System).

The bid documents can be obtained from the Director of Procurement, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available October 12, 1999. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid meeting will be held Tuesday October 19, 1999, 10 a.m. at 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106. The PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 99-1738. Filed for public inspection October 8, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide	REQUIRED DATA DESCRIPTIONS
<h3 style="text-align: center;">Legal Services & Consultation—26</h3> <p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p>B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.</p> <p>Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p>⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made. (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705</p>

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

SERVICES

Audio/Video—04

63-0039.4 West Chester University is soliciting sealed bids for Project 63-0039.4, Schmucker Science Center 2, Telecommunications. The project will consist of the provision, installation and testing of fiber optic and copper cables. A prebid meeting will be conducted at 11 a.m. on October 20, 1999, meeting at the corner of S. Church St. and W. Rosedale Ave. The bids are due and will be publicly opened at 11 a.m. on November 3, 1999. Bids may be requested by phone (610) 436-2705, fax (610) 436-2720 or e-mail jmarthinsen@wcupa.edu.

Department: State System of Higher Education
Location: West Chester University, Schmucker Science Center, 2, West Chester, PA 19383
Duration: 30 days from notice to proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Computer Related Services—08

ME7813161 The Governor's Office of Administration, Office for Information Technology, is requesting vendors to submit a response to ITQ, Computer Programming and Computer Systems Analysis Support, Reissue 001. The intent of this ITQ is to continue to provide Commonwealth agencies with computer programming and systems analysis support services. Vendors must access the ITQ-MS web site at www.itq.state.pa.us and follow the instructions contained in the online proposal builder contained in "Become an ITQ Vendor" to develop, assemble and submit their proposal for evaluation. A schedule of key dates regarding this ITQ is also available at this site.

Department: Governor's Office
Location: This is a Statewide IT services contract that all agencies under the Governor's jurisdiction are required to use. Other Commonwealth governmental entities may also use this contract.
Duration: Initial 2 year agreement with three 1 year renewal options.
Contact: Lillie Miller, (717) 705-1633

Construction & Construction Maintenance—09

FDC-420-509 Reconstruct a 32' x 48' building (concrete, carpentry, roofing, insulating, doors and windows, painting and mechanical work. Work is at Tobyhanna State Park. Bid documents may be requested on or after October 12, 1999.

Department: Conservation and Natural Resources
Location: Coolbaugh Township
Duration: Complete all work by May 26, 2000.
Contact: Construction Management Section, (717) 787-5055

C05-03-101.5 Subsurface Exploration and Laboratory Analysis, Wills Creek, involves approximately 30 LF overburden drilling, 190 LF overburden drilling and sampling, 6 undisturbed samplings, 25 LF rock coring (NX), 20 field permeability testings and 78 laboratory testings. This project's bid documents will be available October 8, 1999, at a cost of \$10 each set.

Department: Environmental Protection
Location: Hyndman Borough
Duration: 70 calendar days after NTP
Contact: Construction Contracts Section, (717) 783-7994

015DGSA578-21 Project title: Expand Parking Facilities: Brief description: Expand staff/visitor parking facilities adjacent to the prison's administration building and stripe the new and adjoining parking facilities. Estimated range: Under \$100,000. Paving Construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, October 27, 1999 at 1 p.m.

Department: General Services
Location: State Correctional Institution at Dallas, Jackson Township, Luzerne County, PA
Duration: 60 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGSA1700-30 Rebid Project title: Remove and Replace Windows and Doors. Brief description: Remove steel windows and doors and replace with new aluminum windows and doors. Estimated range: Under \$100,000. General Construction. Plans deposit: \$25 per set. Payable to: Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, October 27, 1999 at 2 p.m.

Department: General Services
Location: State Fire Academy, Lewistown, Mifflin County, PA
Duration: 200 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-420-636 All electrical work associated with the construction of the Carpentry Shop Building. Work is at Tobyhanna State Park. Bid documents may be requested on or after October 12, 1999.

Department: Conservation and Natural Resources
Location: Coolbaugh Township
Duration: Complete all work by May 26, 2000
Contact: Construction Management Section, (717) 787-5055

90972011 Replace 33 windows in the Volunteer Building #04 at Mayview State Hospital. For complete bid package please fax your request to (412) 257-6761. Attention: Fred Molisee/Purchasing. Please fax on your letterhead showing your complete company name, address, phone, fax, contact person, bid number you are interested in bidding on and a brief description of service, or call listed number in this publication.

Department: Public Welfare
Location: Mayview State Hospital, Bldg. 04, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/2000—6/30/2000
Contact: Fred Molisee, Purchasing Agent, (412) 257-6215

FBP-20-004 Removal of two bridges and two culverts; constructing one bridge (steel, concrete and wood); reconstruct roadway (including bituminous paving); and realign stream channel. Project is west of PA Route 87, near the village of Hills Grove. Bid documents may be requested on or after October 12, 1999.

Department: Conservation and Natural Resources
Location: Fox Township
Duration: Complete all work by October 31, 2000
Contact: Construction Management Section, (717) 787-5055

015DGSA207-12 Project Title: Convert Garage to Evidence Room. Brief Description: Remove existing overhead doors, windows and concrete floor. Close openings with concrete block and brick. Install new concrete block walls, paint, new doors and hardware. Mechanical work. Remove existing piping, steam lines and toilet. Install new make-up air, supply and exhaust. Electrical work. Remove existing lights and receptacles. Install new lights, receptacles and security system. Estimated Range: Under \$100,000. General, Mechanical and Electrical Construction. Plans Deposit: \$25 per set. Payable to Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, October 27, 1999 at 1 p.m.

Department: General Services
Location: PA State Police—Philadelphia Headquarters, Philadelphia, Philadelphia, Philadelphia County, PA
Duration: 120 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

08430AG2427 To provide final design and services during construction on S. R. 4034, Section A70 (Erie East Side Access Highway from Broad Street to McClelland Avenue), in Erie County.

Department: Transportation
Location: Engineering District 1-0
Duration: Thirty-six months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

BOGM 99-03 Clean out and plug two abandoned oil and gas wells estimated to be approximately 1,500 feet in depth each, and also involves preparing and restoring well sites, plugging equipment mobilization and demobilization, 85 hours of plugging time and 200 sacks of cement. This project's bid documents will be available October 8, 1999, at a cost of \$10 each set.

Department: Environmental Protection
Location: Sharpsville Borough and South Pymatuning Township
Duration: 70 calendar days after NTP
Contact: Construction Contracts Section, (717) 783-7994

AMD 54(4214)201.1 Reestablishing Stream Channel, Middle Creek South, involves approximately 40 LF precast concrete box culvert, 1,058,000 CY grading, 7,785 CY drainage excavation, 3,730 SY rock lining and seeding 60.4 acres. One hundred percent of this project is financed by the Federal government under the authority given by P. L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977" and is subject to that law and to the Federal grant for this project. Federal funds available for this program total \$21.7 million for Pennsylvania's 1999 AML Grant. This project's bid documents will be available October 8, 1999 at a cost of \$15 each set.

Department: Environmental Protection
Location: Frailey Township
Duration: 620 calendar days after NTP
Contact: Construction Contracts Section, (717) 783-7994

BF 344-103.1 Abandoned Mine Land Reclamation, Benjamin Coal Company, involves approximately 94,500 CY grading, 300 CY ditch excavation, 680 SY erosion control mats and blankets and seeding 23 acres. This project's bid documents will be available October 8, 1999, at a cost of \$10 each set.

Department: Environmental Protection
Location: Grant Township
Duration: 280 calendar days after NTP
Contact: Construction Contracts Section, (717) 783-7994

Engineering Services—14

08430AG2426 To perform preliminary engineering, final design and provide services during construction for S. R. 0453, Section 002 in Huntingdon County.

Department: Transportation
Location: Engineering District 9-0
Duration: Thirty-eight months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2425 Two Districtwide Open-End Contracts for engineering and/or environmental services on various projects on an as needed basis in Engineering District 9-0, that is, Bedford, Blair, Cambria, Huntingdon, Fulton and Somerset Counties.

Department: Transportation
Location: Engineering District 9-0
Duration: Sixty months
Contact: Consultant Agreement Division, (717) 783-9309

HVAC—22

HVAC System Furnish and install HVAC System in Building 8 at Loysville Complex, R. D. 2, Loysville, PA 17047. Complete specs to be mailed with bid. For bid package contact Dee Kuhn, PA1 at (717) 789-5509.

Department: Public Welfare
Location: Loysville Complex, R. D. 2 Box 365 (Junction Rt. 274 & 850), Loysville, PA 17047
Duration: November 1999 through June 30, 2000
Contact: Dee Kuhn, PA1, (717) 789-5509

Janitorial Services—23

09-A-99 Provide janitorial services for Huntingdon Job Center

Department: Labor and Industry
Location: Office of Employment Security, 54 Pennsylvania Avenue, Huntingdon, PA 16652
Duration: 2 Years w/2 year option
Contact: Norman J. Kee, (717) 705-0450

Laboratory Services—24

GRE-01-00 SCI Greene will be issuing a Service Purchase Contract bid for Dental Laboratory services for inmates' Dental prosthesis requirements as prescribed by the Institutional Dentists.

Department: Corrections
Location: SCI Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370
Duration: Contract will be for the periods 7/01/2000 through 6/30/2003
Contact: Pat Nichols, (724) 852-5533

90972012 Provide special environmental testing for Legionella in water supply at Mayview State Hospital. For complete bid package please fax your request to (412) 257-6761, Attention: Fred Molisee/Purchasing. Please fax on your letterhead showing your complete company name, address, phone, fax, contact person, bid number you are interested in bidding on and a brief description of service, or call listed number in this publication.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 01/01/2000—12/31/2004
Contact: Fred Molisee, Purchasing Agent, (412) 257-6215

Lodging/Meeting Facilities—27

4610-99 A facility in Pennsylvania and within 20 miles of Stroudsburg, May 8-11, 2000, with classroom style room for 100 and two break-out rooms for 30 each. Lunches and breaks for 100. All rooms to have required A/V; break-outs to have one telephone each, one room to have 25 personal computers with either Windows 95, 98 to NT4.0 loaded. Hospitality-style room for 50 is to be available. Ninety single lodging rooms, for May 8, 9 and 10, 2000, with 1 p.m. check-out. Adequate no-cost parking must be available. Bids due 1 p.m. October 25, 1999 at the Equipment Division.

Department: Transportation
Location: Equipment Division, Stroudsburg PA area
Duration: May 8-11, 2000
Contact: Wendy Hebrlig, (717) 787-1941/4299

Property Maintenance—33

9968 Minor Roof Repair.

Department: Military Affairs
Location: PA Army National Guard Armory, 160 George Jr. Road, Grove City, PA 16127-9317
Duration: October 18, 1999 to September 30, 2000
Contact: Aimmee Heffner or Gene Ollar, (717) 861-8519/2921

SU00317RO1-1 Shippensburg University is seeking vendors interested in furnishing and installing four aluminum doors as manufactured by Tubelite, at the Ezra Lehman Memorial Library. The bid due date is scheduled for October 22, 1999 by 4 p.m. Bid opening date will be held at 2 p.m. on October 25, 1999. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent at (717) 477-1350, or e-mail jneid@ship.edu. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA, Shippensburg Township
Duration: Indeterminate 1999—2000
Contact: Janet Neidigh, (717) 477-1386

Real Estate Services—35

373883 Commonwealth of Pennsylvania. For Sale: The State is soliciting bids for 1/2 acre and armory in Norristown. Minimum bid \$150,000. Call (717) 787-5546.

Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: Lloyd Colegrove, (717) 787-5546

373883 Lease office space to the Commonwealth of Pennsylvania Department of Revenue with 4,450 useable square feet of new or existing office space and loading dock capabilities with minimum parking for 10 vehicles, within a 5 mile radius of existing office space at 460 Spruce Street, Clearfield, Clearfield County, PA. The Department of Revenue will occupy the space. Preference will be given to those locations with the 1st floor space adjacent to the loading dock facility. Approximately 33% of the space will be warehouse (storeroom) space. Proposals due: October 25, 1999 Solicitation No. 92905.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: Jennings Ward, (717) 787-7412

373883 Lease office space to the Commonwealth of Pennsylvania, Department of Revenue with 4,450 useable square feet of new or existing office space and loading dock capabilities with minimum parking for 10 vehicles, within a 5 mile radius of State College Post Office, State College, Centre County, PA. The Department of Revenue will occupy the space. Preference will be given to those locations with the first floor space adjacent to the loading dock facility. Approximately 33% of the space will be warehouse (storeroom) space. Proposals due: October 25, 1999 Solicitation No: 92905.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: Jennings Ward, (717) 787-7412

Sanitation—36

040110 Provide and maintain containers and remove rest area refuse at specified intervals at two rest areas on I-84 in Pike County, and one safety rest area on State Route 6 in Pike County. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8 a.m. to 3 p.m. or by faxing request to Roadside Unit at (570) 963-4245.

Department: Transportation
Location: Transportation District 4-0 Pike County
Duration: 1/1/2000 to 12/31/2000 (renewal Option)
Contact: Martha Spaide, (570) 963-4048

Miscellaneous—39

RFPOO-RSSE Regional Summer Schools of Excellence (RSSE) programs must target gifted and/or talented youth in elementary, middle and/or secondary levels. They must be enrichment programs offering curriculum activities not ordinarily available in local schools during the school year. The programs may concentrate on a single discipline, and integration of disciplines, or be multidisciplinary in scope. Eligible RSSE grant applicants are: intermediate units; school districts (serving students in more than one district, except in large cities); colleges or universities; not for profit regional chapters or councils for the arts, culture and/or educational organizations; or consortia of two or more of the above. Applicants may apply for grants to launch new programs, or expand or update existing programs. This grant is highly competitive. If interested in receiving a bid package please contact Felicia D. Harris at (717) 783-5670.

Department: Education
Location: Various locations throughout this Commonwealth
Duration: July—August 2000
Contact: Felicia D. Harris, (717) 783-5670

[Pa.B. Doc. No. 99-1739. Filed for public inspection October 8, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
6350-01	10/01/99	Safeguards Technology Inc.	100,000.00	9985-07	10/01/99	Principle Re- porting Ser- vices Inc.	75,000.00
6350-01	10/01/99	Wacor Elec- tronic Sys- tem	250,000.00	9985-07	10/01/99	Sargent's Court Re- porting Ser- vice Inc.	75,000.00
6350-01	10/01/99	Fire Alarm Maintenance Co.	100,000.00	9985-07	10/01/99	York Steno- graphic Ser- vices	75,000.00
6350-01	10/01/99	Best Access Systems	250,000.00	1062119-01	09/28/99	Sandel Inter- national Inc.	25,400.00
6350-01	10/01/99	SecurityLink Form Ameritech Inc.	100,000.00	1078119-01	09/28/99	Applied Coat- ings & Cus- tom Con- structions	46,510.00
6350-01	10/01/99	Berkshire Sys- tems Group Inc.	100,000.00	1101219-01	09/28/99	King Medical & Business Forms Inc.	60,750.00
6350-01	10/01/99	Detekion Secu- rity Systems Inc.	100,000.00	1102159-01	09/28/99	C. M. Eichenlaub Company	51,800.54
6530-09	10/01/99	E B I, L. P.	2,000.00	1104159-01	09/28/99	Institutional Specialties Inc.	22,940.00
6530-09	10/01/99	Jordan Reses Home Healthcare	15,000.00	1113119-01	09/28/99	Chem-Tick Coated Fab- rics Inc.	38,800.00
6530-09	10/01/99	Neurological Research & Development	162,000.00	1124079-01	09/28/99	Moore North America	18,116.00
9985-07	10/01/99	Adelman Re- porters	75,000.00	1148119-01	09/28/99	Starr Uniform	322,500.00
9985-07	10/01/99	Archive Re- porting Ser- vice	75,000.00	1157219-01	09/28/99	Harrington & Sons Inc.	31,465.00
9985-07	10/01/99	ASAP Court Reporting Inc.	75,000.00	8133060-01	09/28/99	Universal Pro- tective Pack- aging Inc.	36,900.00
9985-07	10/01/99	Capital City Reporting Service	75,000.00	8141500-01	09/28/99	ISCO Indus- tries	18,316.35
9985-07	10/01/99	Capital Court Reporting Inc.	75,000.00	8250030-01	09/28/99	Greg Sweet Chevrolet Buick Olds Pontiac	26,889.43
9985-07	10/01/99	Common- wealth Re- porting Co. Inc.	75,000.00	8250030-02	09/28/99	Westgate Chevrolet Inc.	759,655.00
9985-07	10/01/99	Esquire Depo- sition Ser- vices Inc.	75,000.00	8250030-03	09/28/99	Hondru Chrysler Plymouth Inc.	221,810.00
9985-07	10/01/99	Precision Re- porting Inc.	75,000.00	8250030-04	09/28/99	Fords National Auto Mart Inc.	179,012.00
				8250050-01	09/28/99	Mack Trucks Inc.	2,323,702.00

STATE CONTRACTS INFORMATION

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
8250150-01	09/28/99	Valk Manufac- turing Co.	15,649.00	8250300-01	09/28/99	Seely Equip- ment & Sup- ply Co. Inc.	14,355.00
8250160-01	09/28/99	Five Star In- ternational LLC	125,948.78	8250450-01	09/28/99	Chausse Manufactur- ing Co. Inc.	28,755.00
8250180-01	09/28/99	Greg Sweet Chevrolet Buick Olds Pontiac	214,874.10	8250510-01	09/28/99	Service Sta- tion Equip- ment Co. Inc.	2,519.00
8250200-01	09/28/99	Greg Sweet Chevrolet Buick Olds Pontiac	53,893.62	8250580-01	09/28/99	Groff Tractor & Equip- ment Inc.	5,998.00
8250200-02	09/28/99	Hondru Dodge Inc. d/b/a E-Town Dodge	255,000.00			GARY E. CROWELL, <i>Secretary</i>	

[Pa.B. Doc. No. 99-1740. Filed for public inspection October 8, 1999, 9:00 a.m.]